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ABSTRACT

This document presents the response of the Board of Trustees at Bloomfield College to the American Association of University Professors investigating committee report. Four sections cover: matters incorrtly reported as facts; important facts omitted from the report; what is reported in a misleading manner; and a consideration of whether the conclusions are warranted by the facts. Appendices include Bloomfield College President's report to the Board of Trustees and report to the faculty, and various letters of correspondence. For the opinion of the President of Bloomfield College concerning the decision of Judge Antell in the case AAUP vs. Bloomfield College, see in RIE, HE 005 694 and HE 005 741. For additional related material, see in CIJE HE 505 216. (MJM)

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February 6, 1974

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Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle
Washington, D. C. 20036

Dear Jordan:

Enclosed you will find the Board and administrative response to the ad hoc investigating committee's report which was received on January 22. In keeping with the AAUP's policy of objectivity and academic freedom, I assume you will publish the full text of our response, which you have requested, with your report. Also, I assume that should you change any part of your report, as a result of our response, you will give us an opportunity to revise our response prior to publication. I am disappointed that Committee A has approved publication of the draft report without having first read our corrections and comments.

Because the draft report is such a collage of errors, misrepresentations and false allegations and totally omits vital background data, we have found it impossible to "correct" the draft without thoroughly rewriting it. Therefore, our response is a running commentary upon your draft as it currently stands, and changes in the latter would obviously necessitate modification of the former.

I earnestly hope, after reading our comments, and receiving counsel from your colleagues, you will not publish the draft report. I am in no position to advise you, however, anyone impartial to this case would argue strongly for the appointment of a new investigating committee and the development of a new draft report. At least one member of the ad hoc committee stated prior to the initiation of the investigation that he was certain of its outcome. Yet in your letter of July 16 you assured us that the committee would be composed of persons, "who have had no previous relationship with the matter."

Because there are so many statements in the current draft which are both personally and professionally libelous and damaging to the well-being of the College and its fiscal stability, I trust should you publish the present draft, you will permit your membership the freedom to read our full response. Furthermore, I assume you will secure my permission before making any editorial changes in our response.

Finally, I have never been supplied with the list of persons the committee interviewed during its visit to Bloomfield last July, and no list appeared in the report. In addition to this list, I would also like to

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have a copy of the tapes which were made of the interviews. A number of faculty who were interviewed have expressed some concern over these tapes. We make it a practice at Bloomfield to make all tapes taken on the campus open for full review by the College community. No one from your office or on the investigating committee ever indicated that secret tapes were being made of the interviews and therefore I assume that you will find no difficulty in making these tapes public at this time.

Please let me know if you have any questions about the enclosed response, which is authorized for publication.

Sincerely yours,

Merle

Merle F. Allshouse
President

MFA:B
cc: AAUP Council (Comments mailed under separate cover)

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Addendum

February 6, 1974

Dr. Jordan E. Kurland, Associate General Secretary
American Association of University Professors
One Dupont Circle
Washington, D. C. 20036

Dear Jordan:

Reply to the Draft Report: Academic Freedom and Tenure: Bloomfield College

It has been very difficult to choose the appropriate form to respond to your letter of January 17 and the copy of the investigation committee's report which Committee A has approved for publication. First, after spending a substantial portion of the report in an ad hominem attack upon me personally which concludes with an implied negative judgment upon my professional integrity, you say, "We would be grateful to you for the correction of any error of fact of which you may be aware, for any comment you may have with regard to the treatment of the issues and to the conclusions reached, and for such other response as you may wish to make concerning the enclosed text." Not only is your request hypocritical, since you already have a file drawer full of correspondence and material from me to which you have selectively avoided any reference in the report, but I have no assurances from you that these comments will be published with the present draft or that I will have the benefit of reviewing the final draft and revising my comments accordingly prior to publication. Second, the entire process is analogous to a hangman's court asking the sentenced for assistance in the preparation of the final execution orders and then expecting the victim to be grateful for the "due process" accorded him. Third, I have been given less than three weeks to critique and respond to an extensive report that has taken many persons, with the aid of a national staff, almost six months to prepare while that same organization is currently subjecting members of the College's Board and administration, including me personally, to incredibly time-consuming investigations and legal depositions. One individual thought that such short notice and harassment are not befitting the character of the AAUP.

Many colleagues have advised me to write a short and polite letter of disclaimer and simply indicate that the College cannot now be part of a process from which we were excluded, for reasons you know better than I, and which was a mockery of objectivity and academic justice from its inception. Others, after reading the report, were convinced that there was little in the report that gave evidence of an unbiased attempt to fulfill the charge given the investigating committee by you on July 16, 1973. Furthermore, much of the report is irrelevant to its conclusions; the conclusions are not substantiated by facts or arguments; there are substantial misstatements of fact; there are important

omissions of facts and documents; and one finds an incredible use of third-party hearsay and out-of-context evidence. Most appalling is the ideological attack upon me for the questions I have raised about the adequacy of the tenure system in higher education for the "new depression" ahead. It is a tragic contradiction for the AAUP, an institution dedicated to the pursuit of truth and academic freedom, to believe that tenure is immune to criticism and/or revision. It is as though a humanly devised system, designed to accomplish ends to which we are all committed, has suddenly been elevated to the status of religious dogma and we are to view the 1940 Statement of Principles as a doctrine of infallibility. The report seeks to condemn the questions I have raised not by carefully reasoned arguments but by first assuming that anyone who questions the adequacy of the tenure system must ipso facto be wrong. Argument via anecdote and ridicule is hardly befitting an organization which seeks to perpetuate only the highest of professional standards and, at least in the past, was willing to stand for the right of free and open inquiry -- no matter whose sensitivities were offended. What has happened to that kind of academic freedom?

Precisely because the spirit of persons like Arthur O. Lovejoy and other champions of academic freedom has been so thoroughly repudiated by your report, I have no alternative but to reply. Failure to take this report seriously would only perpetuate the myth that the AAUP (as directed by its national staff) practices the open and objective pursuit of truth.

The following comments are organized around the organization of your report and are divided into the following sections:

I. What are incorrectly reported as facts;
II. What important facts are omitted;
III. What is reported in a misleading manner; and
IV. Are the conclusions warranted by the facts?

In order to assist the reader, the comments follow the paragraph development of your report.

Section I. Matters incorrectly reported as facts

I. Introduction

A. The 4-1-4 academic calendar was adopted in the spring of 1971, not 1970.
B. The College operates a variegated summer calendar, not two six-week sessions.
C. In 1972-73 there were 72, not 70, full-time faculty.
D. In 1972-73 there were 1,064, not 1,100, full-time students enrolled.
E. While it is alleged that the College "has a relatively young faculty," in 1972-73 the average age of the full-time faculty was 45.5. No data is presented to correlate the average age of the Bloomfield College faculty with that of other colleges having a similar academic history and profile.
F. It is asserted that "Over half of the present faculty has been at the College for less than two years," whereas, in fact, 32 of the 54 full-time faculty during 1973-74 have served for more than two years.

II. The events of the 1972-73 academic year

A. Referring to the March 1970 Middle States Report, the AAUP report implies that the following statement characterized the faculty, "It also found evidence of a desire for curricular innovation, with a regional as well as urban emphasis." The facts are:

1. The actual statement appears in a section on "Governance and Administration" in the Middle States Report and reads as follows: "There is question ... whether ... Bloomfield College is temperamentally and constitutionally capable of commitment to the traditional role of the college in its present setting. Certainly there is desire to produce an innovative situation with regional as well as urban thrust, high academic ambition as well as service to social needs."

2. There is no statement in the Middle States Report which characterizes the faculty as innovative or committed to an urban emphasis.

B. Relative to the Long Range Planning Commission, it is asserted, "President Allshouse appointed the five faculty members, and four of these appointees were faculty who had come to the College after Dr. Allshouse had joined the administration." The facts are:

1. The five who were on the Commission served ex officio. They were: Professor Earle W. Sealy, Chairman, Faculty Council; Professor John L. Carey, Chairman, College Community Senate; Professor Walter Kaufman, Chairman, Faculty Committee on Curriculum and Instruction; Mr. Aubrey N'Komo, Director, Black Studies Program; Professor Edward F. Robinson, President, Bloomfield Chapter, AAUP.

2. Three of these persons were appointed before I had ever heard of Bloomfield College and one was appointed the same month I arrived.

3. Three of these persons, I assume, were elected to their respective chairmanships. Do the authors of the report suggest that these faculty committees should not have been represented by their chairmen on the Long Range Planning Committee?

C. It is asserted that "in preparing the report which it submitted to the Faculty Council ... the Long Range Planning Commission seems to have assumed the functions of the Faculty Council, which was authorized to engage in 'long range study and planning in matters related to the future development and general welfare of the College.'" The facts are as follows:

1. As a coordinating and all-College "think tank", the Long Range Planning Commission never made legislative or executive decisions. Its function was to study the systematic interrelation of all planning activities and then refer specific suggestions or problems to appropriate faculty, Board, or student standing committees. The Chairman of the Faculty Council served on the Long Range Planning Commission and never suggested that the groundwork done by the Commission was inappropriate.

2. No suggestion was ever made by a member of the administration or Board that the Faculty Council should proceed in any particular manner relative to consultation with other faculty standing committees. The Faculty Council was entirely free to exercise its independent judgment, as the Faculty's executive committee, as to how it would exercise its responsibilities as outlined in the Faculty Bylaws.

D. Relative to the February 27, 1973 visit to the AAUP national office:

1. Professor Walter Kaufman was present as Chairman of the AAUP Committee A, not because of his role on the Faculty Council as intimated in the report. This error is significant since following the Washington visit, although still Chairman of Committee A, he and another AAUP Executive Committee member were excluded from invitations to meetings of the AAUP Executive Committee.

2. There was no discussion of, or suggestion that the College possessed "financial reserves." The financial position of the College was not discussed except as outlined in my February 13, 1973 Profile Report, which projected five-year forward operating deficits of almost one million dollars without adequate reserves.

3. There was no discussion of sixty percent as being an adequate or inadequate percentage for faculty tenure flexibility.

4. While Messrs. Davis and Kurland may have left our luncheon with the afterglow of thinking there was "no imminent crisis" at Bloomfield College, surely we would not have made the journey to Washington unless we felt such a crisis was imminent, as events indicated clearly was the case. Are we to believe seriously that after several cocktails and a good lunch, and without benefit of a study of any of the relevant financial and planning documents, Messrs. Davis and Kurland went away satisfied that there was "no imminent crisis?"

E. It is asserted that, "at a special meeting called for April 11, the general faculty by vote of 43 to 27 adopted a Substitute Plan which had been introduced by professors opposed to the administration's plans. The Substitute Plan called for the attainment of a balanced budget by the 1974-75 academic year through the issuance of notice of non-reappointment to six non-tenured members of the faculty." The facts are:

1. The plan was submitted by three individuals.

2. The plan would call for a reduction to only 58 faculty and the termination of the Chairman of the English Department, the Director of the Interdisciplinary Studies Program and the faculty's most prolific author, and the entire Art History Program.

3. No educational rationale was offered for this plan.

4. The proposed substitute budget was based upon the erroneous

supposition that there would be no incremental cost increases in supplies, utilities and other fixed items. I invited the authors of the plan to work with the College Treasurer to no avail.

F. It is asserted that, "President Allshouse rejected the Substitute Plan, and he proceeded to inform Professor Robinson, President of the AAUP Chapter and a leader of the opposition to the administration-backed plans, that the latter's continued membership on decision-making committees would be imprudent." The facts are:

1. At the April 11 meeting Dean Nodder pledged to establish mechanisms for producing recommendations from the faculty to the president relative to the Substitute Plan.

2. On April 12 I distributed the following memorandum to the faculty regarding implementation of the Substitute Plan:

> "In view of the Faculty's action yesterday adopting the so-called 'Substitute Plan for the Systematic Reduction of Faculty Size Due to Financial Exigency,' I believe you should know my intentions regarding the resolution's recommendation that I implement the plan. As I indicated at the Faculty Meeting, the 'Substitute Plan' cannot fully be implemented for the following reasons:
>
> 1) The document fails to take cognizance of the financial planning parameters established by the Board of Trustees.
>
> 2) The document contains financial statements which are erroneous.
>
> 3) The document explicitly places adherence to the 1940 and 1958 AAUP statements on academic freedom, tenure, and due process as the primary criterion for staff reductions rather than academic planning for the long-term viability of the College. The future interests of private higher education and Bloomfield College may not always be coincident with the institutional needs of the AAUP.
>
> 4) Until such time as the President of the AAUP Chapter acts upon his verbal commitment made at the April 11th Faculty Meeting to resign from the Committee on Tenure and Faculty Advancement, I consider his presence as a serious potential conflict of interest and could not accept any review recommendations emanating from that Committee.
>
> "In the absence of any other review process that is working within the Board's financial and planning assumptions, I have asked the ad hoc Evaluation Committee to continue its work under the guidelines and timetables previously established.
>
> "Presupposing that the Faculty Welfare Committee can develop adequate

procedures for the review of cases arising from this review process, and that the Faculty elects a representative committee at the May meeting, they should be able to provide the appeals function.

"I deeply regret that it is not possible to accept the assumptions of the 'Substitute Plan' but those very assumptions have been a major contributing factor in the College's present enrollment difficulties. Under no circumstances could I recommend, in good conscience, to the Board that we move into the '70s and '80s by retreading the dubious paths of the '60s.

"For the Board's information I have distributed copies of the 'Substitute Plan.'"

3. The Substitute Plan did not make any references to academic planning, the very element which should have had highest priority according to the AAUP's own guidelines for planning in financial exigency.

4. There was no specific "administration-backed plans." There were two plans, one advanced by the Faculty Council and the Substitute Plan. At every meeting of the faculty, including and following the meeting of April 4, I pleaded for the faculty to produce viable alternative plans.

5. I never stated that Professor Robinson's"continued membership on decision-making committees would be imprudent." I did argue that his membership on the Committee on Tenure and Faculty Advancement would be a potential conflict of interest and jeopardize the objectivity of the Committee. In short, his appeals role as President of the AAUP Chapter was in conflict with his decision role as a member of the Committee on Tenure and Faculty Advancement. This potential conflict of interest was raised by the Faculty Council on March 13. Professor Robinson voluntarily consented to resign from the Committee at the faculty meeting on April 11.

G. It is asserted that, "Dean Nodder, in an April 12 letter to Professor Robinson, warned of 'certain faculty members who are stirring up students because they think their job security is being threatened' and some who 'are using the classroom as a forum to express their own point of view on current ... issues ... and are failing to use the time for normal instructional purposes.'" The facts are:

1. There was no "warning" or a threatening tone in the Dean's memo. Rather, after reported complaints by students and members of the faculty about colleagues who were using class time to politicize the student body, including the circulating of petitions, the Dean raised the issue of how such behavior relative to the 1966 AAUP statement on professional ethics would be treated by our local AAUP Chapter. The text of his memo follows:

"In the spirit of frankness which the President and I have attempted to develop with you, the AAUP and the entire faculty, I would point up to you two concerns which have emerged as we have engaged in

heated debate about the issues facing Bloomfield College at this crucial time in its history.

"First, I have been deeply concerned by an almost total disregard of the well-being of the student during our discussions. I find that much of our attention is directed toward faculty rights, while little attention has been given to student rights, and that the primary concern of the College, to provide the best educational program possible for our students, has so easily been lost sight of. I call upon the AAUP and the entire faculty to try to bring their obvious concerns for job security and their understandable anxiety about the uncertainty of employment into the perspective of our concern for students and the well-being of the College.

"My second concern is the seeming lack of conformity of some faculty members to the 1966 Statement of the AAUP on Professional Ethics, endorsed by the Bloomfield College Faculty on May 17, 1971, and the 1940 Statement on Principles of Academic Freedom and Tenure, endorsed by the AAC and the AAUP, and included as Point 10 in the By-Laws of the Bloomfield College Faculty.

"In the former document, under Point 2, it says that the faculty member, 'avoids any exploitation of students for his private advantage and acknowledges significant assistance from them.' I have been visited in recent weeks a number of times by students and faculty members who have expressed grave concern about certain faculty members who are stirring up students because they think their job security is being threatened. I would interpret this as exploitation of students for private advantage and would trust that if there is need to impose sanctions that the AAUP would be cooperative with us in doing so.

"In the 1940 statement contained in the By-Laws of the Bloomfield College Faculty, there is a statement which reads, 'The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject.' Again, it has come to my attention through the expressions of concern made by faculty and students that certain faculty members are using the classroom as a forum to express their own point of view on current political issues being debated in the faculty, and are failing to use the time for normal instructional purposes. Again, I would call on you to be cooperative in enforcing the principles which the professional organization, of whose local chapter you are President, has prepared and endorsed.

"If you wish to discuss this with me in general, or if you wish to discuss specific cases which have come to my attention, I would be happy to have your cooperation in this matter."

H. It is asserted that, "also in May, yet another specially appointed committee produced a formula for the creation of a contractual system to replace the tenure system; this group proposed the abolition of tenure effective June 30, 1973." The facts are:

1. The committee being referred to was appointed during 1971-72 by the Chairman of the Board as an ad hoc Commission to Review Tenure and Retirement Policy. It included faculty, Board, administrative and student members and was charged with the responsibility of making overall policy recommendations to the Board. Faculty members were approved ex officio as liaison from the AAUP and the Faculty Welfare Committee.

I. It is asserted that, "nonetheless, still another appointed commission, the Commission to Review Tenure and Retirement Policy, voted on June 11 to recommend to the Board of Trustees, for consideration by the Board at its next meeting scheduled for June 21, that the existing system of tenure be abolished and that all faculty members be placed on terminal contracts, pending further decisions, for the 1973-74 academic year." The fact is that this is the same commission referred to earlier, not "still another appointed commission."

J. It is asserted that, "The Board of Trustees nevertheless proceeded to implement the president's plan at its meeting on June 21." The facts are:

1. The resolutions adopted at the June 21 Board Meeting were recommended by the Executive Committee and the Academic Affairs Committee, which had held open hearings on the campus and received advice and proposals from many sources.

2. Among the actions possible for the Board to adopt, the one taken was my third priority. Since my report to the Board is crucial and quoted out of context, I am including it as Appendix A.

K. The comments attributed to me at the meeting in New York City on July 9 are mere hearsay. My summary of the results of that informal and "off-the-record" meeting are contained in a letter to Mr. Kurland of July 12, which is attached as Appendix B.

L. Relative to the meeting on July 9, it is asserted that, "The Acting General Secretary stated that, if the thirteen are not very promptly reinstated, he would have no choice but to authorize the appointment of an ad hoc investigating committee and to take other steps which might rectify the situation." The fact is that Mr. Kurland informed me on July 9 that he had already appointed the Chairman of the ad hoc investigating committee, despite the fact that the July 9 meeting was supposedly called to negotiate our differences.

III. Issues and findings relating to the dismissal of the thirteen faculty members.

A. It is asserted that, "neither for the tenured nor for the untenured was there afforded the due process towhich they were entitled ... The stated

reason for the dismissals was financial exigency, but at no point did the administration assume the burden of demonstrating that financial exigency mandated the action taken against the thirteen or that the thirteen were otherwise unfit to continue." The facts are:

1. On May 23, the Faculty Welfare Committee reported to the faculty on the "Appeals Procedure under the Proposals for the Reduction of Faculty due to Financial Exigency." (See Appendix C) These procedures have been fully endorsed by the administration and every member of the faculty has been urged to follow them. No member of the faculty has exhausted this grievance procedure, approved by regular faculty action, and only one has initiated action. Are the authors of the report suggesting that the faculty was in error in establishing such a due process procedure or that the faculty who should have used the process and did not are remiss in their responsibilities?

2. A recent decision of Judge Antell on January 10 in the case of the AAUP vs. Bloomfield College makes it clear that relative to the veracity of our financial exigency the internal due process procedures are "illusory."

3. The administration has demonstrated on numerous occasions, since 1970, that a case for financial crisis existed at Bloomfield College. Please refer to Section II, II, B, 1 - 12 below for a sample list of occasions and data from which an adequate case for financial exigency was presented. Most puzzling is why Professor Robinson, as President of the AAUP local Chapter, raised no questions and made no comments during or after the March 1 Board Meeting when the financial exigency budget was adopted.

B. It is asserted that, "Each of the thirteen was informed in the June 29 letters that he or she could have recourse to appeal to the Faculty Welfare Committee, but when one of them attempted to take that course, the president, in a memorandum dated July 26, 1973, stated that he would supply information to the Committee only if the faculty member agreed not to participate in any litigation against the College." The facts are:

1. The full body of my statement, reported out of context, is attached as Appendix D.

2. A defendant in a civil suit is not expected to abrogate his civil rights and lay himself open for search and discovery by the plaintiff without legal protection. Are the authors of the report condoning the simultaneous filing of civil action and the use of the investigation process for circumvention of the protection of the defendant's civil rights?

3. On July 30 Professor Kruse entered civil suit against the College and me personally, and on August 2 I sent the following letter to the Welfare Committee:

"Thank you very much for your memo of July 30 regarding Professor Kruse's

appeal currently before the Committee.

"I assume your assertion that 'the due process of the Committee on Faculty Welfare is in no way based upon whether Professor Kruse,will or will not be a plaintiff in a suit against Bloomfield College and indeed, it should not be so based,' is not an informed legal judgment and was made before you had an opportunity to view the content of the civil action complaint filed by the College's AAUP Chapter against the Board of Trustees and myself. Since Professor Kruse is a plaintiff in that suit and relief is being sought for both financial and punitive damages, I assume that he has, by election to be a plaintiff, decided to take the civil court route rather than pursue academic internal due process. I understand from my conversation last night with Professor Kruse that his attorney does not know that Professor Kruse initiated due process proceedings prior to the institution of the civil action. I assume Professor Kruse will be in touch with his attorney and inform us of his desires.

"Clearly, I believe it is right and proper for all members of the academic community to pursue all avenues of internal due process prior to the initiation of civil action. Internal due process is designed to allow aggrieved parties to settle their differences so that civil action is not necessary. By simultaneously engaging in a civil action and petitioning the Welfare Committee, Professor Kruse appears to be engaging in mutually contradictory action. Furthermore, by his, not my, desire to enter civil action, he has disengaged the efficacy of the due process system.

"Should you wish to have me discuss evidence before your Committee which Professor Kruse and other plaintiffs on your Committee may use as part of their civil case, then you are asking me to abrogate my civil rights and, by implication, those of Board members who are co-defendants.

"I trust we shall both hear soon from Professor Kruse, and I hope his decision will permit us to proceed with the internal due process which is so vital to a healthy academic community.

MFA:B
cc: Professor Kruse"

4. On September 6, 1973 I requested the Welfare Committee to submit a list of questions if it wished to pursue the appeal of Professor Kruse. After consultation with legal counsel I would answer those questions which did not jeopardize my civil rights. The Welfare Committee has never responded with questions and Professor Kruse's case is still in committee. I have had no word directly from Professor Kruse.

C. It is asserted that, "Among the thirteen was the ' Chairman of the Department of Biology, who was generally credited with being responsible for the construction of the Science Building recently completed by the College.'" The facts are:

1. The only person who has "generally credited" the faculty member in question with "the construction of the Science Building" is Professor Robinson. The 1970 Middle States Association Report contains the following int eresting independent observation, "Faculty members recalled that they had no real part in the planning of the science facilities...."

D. It is asserted that, "There was, however, no detailed financial report nor any detailed consultation with the faculty or even with the Faculty Council, which would serve to establish that a bona fide condition of financial exigency existed." The facts to the contrary are presented under Section II, II, B, 1 - 12.

E. It is asserted that, "Written questions from the investigating committee to President Allshouse requesting justification of a declaration of financial exigency elicited only the response that his counsel's advice was not to submit such information." The facts are:

1. In conversation with Dr. Kurland, prior to July 16, I urged that if an investigating committee were appointed, it should include a person familiar with the financial operation of a small college having Bloomfield's profile and hopefully someone with competence to interpret academic accounting systems and financial reports. To my knowledge, none of the committee members has such competence.

2. I indicated to Dr. Kurland that the College's financial statements were matters of public record in the College Library, and he responded that the committee would request what they needed.

3. The reasons for my inability to discuss issues with the committee on their initial (and only) visit to the campus are outlined in my letters of July 30 to Professor Fellman (see Appendix E) and Dr. Kurland (see Appendix F).

4. On August 2 Professor Fellman requested certain items of financial, salary, and personnel information, including financial statements for the College and the Knoll since 1968-69.

5. On August 7 I replied that I had referred his request to the College's counsel inview of the civil suit entered by the AAUP since the request was not equivalent to a search and discovery.

6. On August 15 Professor Fellman wrote, "Of course, we hope for your full cooperation, and, for whatever it may be worth, my judgment is that such cooperation is not only in the best interests of higher education, but also in the best interest of Bloomfield College, and, if I may say so, in your own best personal interest."

7. On August 30 I replied that the College's counsel expected to provide advice regarding the nature of our ability to cooperate, without violating our civil rights, shortly after Labor Day.

8. On September 5 I informed the committee that,

"After consultation with the College's counsel, we have been advised to request of the committee further information regarding the specific questions which they would like to ask and a list of specific items of information which they would like to receive from members of the administration and the Board. As soon as we have received this information from the committee and have reviewed it with our counsel, I shall be in touch with you immediately regarding the feasibility of our meeting." We suggested the date of October 5 for another visit.

9. On September 11 Dr. Kurland indicated that October 5 was not possible, but suggested October 4 or 18. As to our request for a specific set of questions he said,

"As to any specific questions which the committee would wish to ask, or to any further information which it might wish, the chairman of the committee has asked me to emphasize to you that the committee will not insist on discussing any areas or topics with you which you do not want to discuss. The committee is primarily interested in affording you opportunity, through direct discussion with it, to develop and amplify your stated views on the actions taken in June at Bloomfield College. It is particularly interested in the fullest possible explanation of the reasoning behind the decision to move to abandon the existing system of faculty tenure at the College."

10. On September 18 I agreed to the date of October 18 and again repeated our only request that "After consultation with the College's counsel, we have been advised to request of the committee further information regarding the specific questions which they would like to ask and a list of specific items of information which they would like to receive from members of the administration and the Board." The letter went on to say, "Also in view of the reports which I have received from several members of the faculty regarding what they consider to be a certain quality of belligerence and harassment which they received from some members of the ad hoc investigating team when they were last here, it is all the more important that we be perfectly clear about the type of questions which will be pursued prior to our subjecting members of the Board or the administration to the kind of experience which some members of the faculty found most objectionable."

11. The rationale for our request for specific questions was fully outlined to Professor Fellman in a letter of September 21, which is included in Appendix G.

12. On September 22 Dr. Kurland agreed to the date of October 18 and relative to our request for specific questions said, "As to your request for the specific questions .... the committee will not seek to question you on matters which you would prefer not to discuss. Its interest in meeting with those in authority at Bloomfield College does not center upon ascertaining additional factual information, but rather upon affording opportunity

through direct discussion for amplification of your stated views relating to the actions taken at Bloomfield last June."

13. In a letter of September 25 Professor Fellman wrote, "It is true that we made some requests for information -- I would not call them 'demands' -- but if upon advice of counsel you choose not to give us this information, I am fully prepared to respect and accept your decisions as to these matters." On October 2 I urged Professor Fellman to meet our only request of September 5 and 18 for prior set of questions which we could share with counsel:

> "I believe that the Washington office has placed both your committee and the College in an extremely awkward position by bringing civil action against the College in areas that overlap precisely with those which your committee is investigating. Again, I call upon you to ask the Washington office not to put your committee in a position of denying to us our basic civil rights. I believe by filing the civil complaint the AAUP has decided that the questions at hand can be decided only in court and thus has pre-empted the work of your investigating committee. In short, it is not I who do not wish to talk to you but rather, the Washington office which put us in a position where we would deny to ourselves our legal rights were we to talk to you about those matters which overlap with the civil action."

The full text of this letter is included in Appendix H.

14. On October 2 I restated my request for specific questions to Dr. Kurland as follows:

> "Once again I would like to repeat my requests of September 5 and 18 for a specific list of questions which the committee would like to pursue. Perhaps I am naive, but I was always under the impression that investigating committees were charged with the responsibility of ascertaining the full facts in the investigation process, and certainly members of our Board and administration have facts which have not been fully at the disposal of the investigating committee. The latter situation, as you will understand, had developed because of the civil action which the AAUP has brought against the College. If indeed the committee, as you indicated in your letter of September 22, is not interested in 'ascertaining factual information' then I hardly understand the purpose of their visit on October 18."

15. On October 4 Dr. Kurland wrote, "Our Bloomfield Committee, as I understand its position, believes that it currently possesses sufficient factual information for treatment of the issues of concern. The committee thus is not searching for further specific factual information."

16. On October 9 Professor Fellman replied to my letter of October 2 as follows:

"I am deeply distressed at our inability to reach a meeting of the minds regarding our proposed return visit to your campus on the 18th of this month. I have been reluctant to state just which questions we would want you to explore with us because I know you are being sued, and on advice of counsel you apparently feel that it would be improper for you to discuss certain questions with us because of possible prejudice to your stake in the lawsuit.... But since you seem to insist upon knowing in advance what questions we would like to have discussed, perhaps it would suffice if I indicated that I would like to listen to a discussion of the case for the abolition of tenure, an analysis of the argument that tenure does not protect academic freedom, and as much as you care to tell us about the contract system you are devising for the future. Since some of the dismissed faculty members have brought suit, and the matter is now in court, I would not expect you to discuss that aspect of the recent events at your College. But we would like to hear from you and your associates an explanation as to just how the proposed contract system will be structured, why you abandoned the tenure system, and why you think tenure is unrelated to academic freedom."

17. On October 9 I replied to Dr. Kurland, "I note some ambiguity as to whether or not the committee is interested in receiving further factual information before it submits its final report. While on the one hand you indicate that the committee would like to receive factual information you say that 'The Committee thus is not searching for further specific factual information.' Again, I must indicate that upon advice from our legal counsel we feel that you do not have the right to conduct an open search and discussion session with members of the Board and administration, and we once again respectfully request that you submit to us a specific list of questions which you would like to pursue. After receiving such a list I will send it to our counsel and immediately inform you whether or not our civil rights would be abrogated by such discussion."

18. On October 15 I replied to Professor Fellman's letter of October 9 as follows:

"Frankly, if we had had a set of questions such as you present in your letter when I initially asked for them many weeks ago, I am certain that we would not be in our current position of having perhaps to reschedule the forthcoming visitation.

"If I understand you correctly you would like to discuss three basic issues with us: (1) the structure of the new learning contract system; (2) our reasons for seeking an alternative to the tenure system; and (3) the relationship between tenure and academic freedom. Parenthetically, I want to point out that the way you have worded the third question is not correct; namely, 'why you think tenure is unrelated to academic freedom.' I am convinced that the tenure system is directly related to academic freedom, although not in as positive a manner as should be the case. Certainly, you are aware of a growing literature in higher education which articulates that the tenure system, as currently practiced, will, over the next twenty years, greatly inhibit

the academic freedom of non-tenured members of the faculty.

"As I had promised, I have discussed each of these matters with our legal counsel and would like to share some further questions with you before we can proceed to an open discussion.

1- As you are aware, we are currently negotiating the terms and conditions of employment relative to those in the bargaining unit with our AAUP Chapter which is the designated collective bargaining agent at Bloomfield College. By joint agreement we have decided not to discuss matters currently before the collective bargaining table outside of that context. Thus, it would be inappropriate for us, by the terms of our joint agreement, to discuss the proposed learning contract system as it might affect members of the collective bargaining unit. Our own AAUP Chapter has been firm in pointing out that such discussions would be inappropriate and in fact, in violation of the National Labor Relations Act.

2- Could I have your written assurances that none of the information gathered or matters discussed during your next visit will be used by the AAUP or its legal counsel in pursuing the civil suit now entered in the Superior Court of New Jersey? Without such assurances on your part you can understand that it would be difficult for us to enter in good faith into open discussions with you.

3- How do these three issues which you seek to pursue relate to the initial charge of your committee as reported to me in Jordan Kurland's letter of July 16?

"...I hope that your committee will not draw any conclusions regarding our state of financial exigency until you have had an opportunity to talk with our Treasurer and members of the Board's Financial Affairs Committee. I also hope that you will not finalize your conclusions regarding due process until you have talked to more than the twenty members of our faculty you met on your first visit and certainly, the Chairman and key members of last year's Faculty Council and the Special Evaluating Committee. Unfortunately, the AAUP's decision to bring civil suit against the College has placed both your committee and us in a very difficult position of not being able to discuss these crucial matters openly."

19. On October 16 I wrote the following letter to Dr. Kurland:

"By now you should have received a copy of Dean Nodder's telegram of October 11 in response to yours of October 10. As I am sure you know, I was in Washington during the period of this telegram exchange, and, in fact, talked to Bert Davis on two occasions. I regret that you did not contact me directly in Washington or through Bert as it would have avoided the present delay in communications.

"Enclosed is a letter of October 15 to Professor David Fellman which I believe speaks directly to the substance of your telegram.

"I believe that Professor Fellman and I will be able to establish sufficient groundwork for a meaningful exchange at the next visit of the committee, although it does seem, at this point, that all the arrangements will not be determined prior to this Thursday.

"I deeply regret that you did not respond earlier to my request for a specific list of questions, for had you done so I am sure there would have been no need to reschedule the forthcoming visit."

20. On October 22 I wrote the following letter to Dr. Kurland:

"I assume from the fact that Professor Fellman and members of his committee did not arrive last Thursday, October 18, that we will negotiate a time for a visit in the very near future, under the terms discussed in the last exchange between Professor Fellman and myself.

"I am surprised that you did not call to met me know officially that their visit had been apparently cancelled by your office since we had made preparations here up until the last minute for our discussion."

21. On October 26 Professor Fellman replied to my letter of October 15 as follows:

"I acknowledge with thanks your candid letter of 15 October. I want you to know that I understand the reasons which make you feel so reluctant to talk to the members of the investigating committee. But you have imposed such severe limitations on the scope of any discussions you may have with us that I feel that a second trip to Bloomfield would not be worth all the time and effort involved.

"Regretfully I must inform you that we are going forward with the preparation of our report without a second visit to Bloomfield College..."

22. On October 31 I wrote to Professor Fellman requesting that he reconsider his decision not to make a second visit to Bloomfield, on the grounds that: "1) Thus far, to my knowledge, you have spoken to only about twenty members of our faculty, representing only twenty percent of the full and part-time members of the faculty; 2) you have not yet spoken to any members of the administration or the Board of Trustees, many of whom have played very critical roles in the events which are under investigation; 3) it is not the case, as you suggested in your letter, that I have imposed severe limitations on the scope of your discussions. Rather, as outlined in my letter to you of October 15, the events which have been set in motion by both the litigation and the collective bargaining on the part of the AAUP have limited the area of our discussions." The full context of that letter may be found in Appendix I.

23. On November 6 Professor Fellman responded to my letter of October 31 as follows: "I want you to know that in my judgment it is unreasonable of you to request us to give written assurances that we will not make anything you tell us available to counsel representing those who are involved in the civil suit with you. We are not at all free to create a privileged communication merely by mutual agreement.

24. On November 9 I responded to Professor Fellman's letter of November 6 as follows:

Thank you very much for your letter of November 6. Indeed we both seem to be having difficulty in making ourselves clear to one another. In the interest of clarifying not only the communications between us, but also for the sake of the larger issues at stake, let me respond directly to the points you have made.

First, you continue to assert it is I who does not wish to discuss with the committee the non-contract renewal of the thirteen faculty members because we are being litigated by the A.A.U.P. This is simply not an accurate statement. Rather, the facts are that upon advice from legal counsel I am not permitted to discuss with your committee any matters pertaining to the counts which have been brought against the College by the plaintiffs represented by the A.A.U.P. unless I have written assurance by the committee that such discussions will not be used by the plaintiffs. To put the onus on me for the inability for us to have such discussions is somewhat analogous to the student who, after turning in a plagiarized paper argues that the faculty member refuses to give the student a passing grade. Just as it was the student who initiated the action which resulted in the "refusal of the faculty member to provide a passing grade", it has been the action of the A.A.U.P. as plaintiff in bringing civil suit against the College which has resulted in a situation where there has been a severe limitation imposed upon our discussions with anyone representing the plaintiffs. If, in fact, you are not representing the plaintiffs then all you need to do is say so and give us the assurance, in writing, that our discussions will not be used by the plaintiffs. If, indeed, your committee is free and objective then there should be no difficulty in your providing such assurances.

Secondly, you say that "you do not wish to discuss the terms of the contract system which you are devising to take the place of the tenure system,...because these matters are on the bargaining table." Please refer again to my letter to you of October 31 since your interpretation will not be borne our by what I have said. I have simply indicated to you that under the law we cannot discuss matters pertaining to the terms and conditions of employment outside of the collective bargaining table. However, I am quite willing to be as cooperative as possible "in defining the parameters of such discussions with the A.A.U.P. Collective Bargaining Team." This means that if you wish to discuss the new contract system then you should contact Mr. Woodley Osborne, Labor Counsel for the A.A.U.P. and see if he would be willing to discuss the terms of such discussion with our labor counsel, Mr. S. Joseph Fortunato. If indeed, you are honestly seeking to discuss such matters then there is a legitimate due process which we can follow. It is completely unfair and untrue for you to say that I, at this point,refuse to discuss these matters. I am quite willing to discuss them if you are willing to enter into bilateral discussions with our respective labor counsels regarding the opening of these discussions. Neither of us, unilaterally, have the ability to do so. More specifically, if you say to me that you are willing to contact Mr. Osborne you have my pledge that I will contact Mr. Fortunato and together we can negotiate the possibility of discussing certain aspects of the new learning contract system.

I find it a strange interpretation of history when you say that "you haven't left enough for us to conduct a very fruitful discussion." If you simply reread our correspondence over the past two months it should be clear to anyone that we have been asking, if not pleading, for you to provide us with a list of specific questions which you would like to discuss. This, in short, has put the responsibility on you for defining the parameters of the discussion. Unfortunately, we did not receive a letter from you indicating such parameters until October 9. As previously promised I responded to that letter immediately indicating to which questions we could respond and also suggesting alternative ways of developing the discussion. If you think the parameters are too narrow at this time then you can simply take the initiative and widen them by asking for further questions. The responsibility is yours, Professor Fellman, to ask us what questions you would like to discuss. If you think the parameters are not sufficiently wide now then why not broaden them by adding to your list of questions?

Finally, I do not frankly understand what you mean when you say "we are not at all free to create privileged communications merely by mutual agreement." We have asked you for a written assurance that matters discussed with you will not be referred back through One Dupont Circle. This request has been made because while on the one hand you allege that your committee is totally objective and free to formulate its own judgment, on the other hand the parent body which has appointed you has already formed its judgment and printed those in public media. Thus, we need, as certainly you can understand, some form of assurance that, in fact, you are as free as you contend. When you say "we are not at all free to create a privileged communication merely by mutual agreement" you misconstrue our request since we are not asking for a privileged communication, but rather asking you to make good your assertion that your committee is free and independent of actions now being taken at One Dupont Circle. Certainly I need not rehearse for you the history of the A.A.U.P. in terms of its traditional stance that its investigatory committees should represent the best of academic freedom and objectivity. All we are requesting from you is a statement to the effect that you are sufficiently free from administrative supervision from One Dupont Circle and that you will not, in fact, share correspondence or information gained through your investigation with the legal counsel now serving the plaintiffs in the civil suit. The fact that both you and I would be compelled to testify before the court, if subpoened, is totally irrelevant to the request which we have made for written assurances on your part.

I hope this letter will clarify some of the points which apparently you misunderstood in my letter of October 31. Your misunderstandings of my letter of October 31 only serve to underscore the crucial importance of another visit by your committee. There are many areas of discussion which you have not requested to open which I think would provide very fruitful exchanges. I hope you will not take the liberty of drawing conclusions about my position relative to issues which occurred last year or on the matter of academic freedom without having given me the opportunity to discuss these matters with you personally.

25. On November 21 Professor Fellman sent me his last communication which read as follows: "I acknowledge your letter of 9 November, which reached me on the 16th. I do not wish to appear to be rude or inconsiderate, but I see little point in continuing this correspondence. I ask you to regard my last letter to you as a final statement of the committee's position."

26. On December 3 I replied to Professor Fellman once again requesting a specific response to my letter of November 9:

> "It is with very deep regret and sadness that I received your letter of November 21.
>
> "I continue to be baffled and dismayed as to why you remain silent relative to the reasonable request which I have made to you in my letter of November 9.
>
> "I can only assume that the decision not to continue the search for reasonable grounds for open discussion has been taken out of your hands. The situation here at Bloomfield calls for patience, reasonableness and understanding on the part of all parties concerned. The precipitous action which I believe you have taken in closing all avenues for the possible return of your committee is indeed unfortunate and represents a sad chapter in the history of Committee A's work. This is a time when all of us need to develop new styles of negotiation and bridge misunderstandings with statesmanship and care, particularly when litigation is involved.
>
> "Therefore, although it may be hopeless I once again plead with you to make a specific response to my letter of November 9."

F. It is asserted that, "One notable aspect of the definitions was the extent to which they fit the curriculi vitae of the new faculty members who had been recruited by President Allshouse since 1971; another was the specificity with which they excluded some of the thirteen, particularly those with the longest service." There is absolutely no data whatsoever to support this allegation.

G. It is asserted that, "The repudiation of the March 22 report did not deter the president, who proceeded to carry it out in great haste." The facts are:

1. I urged the faculty to develop alternatives that planned for faculty reductions on the basis of curriculum priorities and were within the budget established by the Board.

2. The authors of the report seem to vacillate between charging me with either delayed reporting or great haste, but no arguments or data are presented to support these contradictory allegations.

H. It is asserted that, "Each was expected to fill out a questionnaire concerning his or her qualifications for holding one of the 54 positions designated in the report." The fact is that on April 6 the Faculty Council

distributed the following memorandum to the faculty:

> "The Faculty Council welcomes the opportunity for further discussion of a constructive nature regarding "A Plan for the Systematic Reduction of Faculty Size due to Financial Exigency." The Faculty Council has decided to call for a Special Meeting of the Faculty on Wednesday, April 11th.
>
> "In response to the Faculty's concern regarding the nature of the questionnaire, the Faculty is invited to use either the original questionnaire or to submit in a form of its own choosing any information they feel would be relevant for an evaluation process. This information should be submitted not later than Friday, April 13, 1973. It is hoped that any alternative plan will be ready for consideration at this meeting."

I. It is asserted that, "The ad hoc Evaluation and Appeals Committee (its new name) evaluated the questionnaire responses and assessed the degree of 'fit' of each faculty member to the positions in the report." The fact is no such committee existed. Perhaps the authors are referred to the Ad Hoc Evaluation Committee, which never was christened with a new name.

J. It is asserted that, "Twelve new full-time, and 23 new part-time faculty have been engaged since the spring of 1973, most after June 21, the date of the Trustees' action. At least four of the new full-time faculty members and 15 of the new part-time faculty members are teaching courses formerly taught by those dismissed, or related courses which the latter were clearly qualified to teach. It is not obvious, therefore, that any savings on total salary expenses of the College for the 1973-74 academic year were achieved. In any case, the administration has not explained how the dismissal actions have served to relieve financial exigency." The facts are:

1. None of the twelve new faculty appointees replaced any of the thirteen non-renewed last June. The faculty replacement list (Appendix J) has been available to the AAUP since October 1973, yet the charge that the thirteen were replaced with new faculty continues to be made by Walter Adams and official AAUP news releases.

2. Of the courses scheduled for 1973-74 taught by the 13, the equivalent of 14 sections could not be cancelled and some part-time instructors were secured at the total expense of approximately $12,000, a cost factor the College felt important to make to enable each of the 13 a full year on leave to seek relocation and/or return to graduate study.

3. The cumulative savings, over a five-year period, of the faculty reduction will be in excess of $1,000,000.

K. It is asserted that, "An additional reason for skepticism is what is known about the basic financial status of Bloomfield College. President Allshouse, in 1972, estimated its net worth as over $12,000,000. This figure,

not inconceivable for a small college, is probably too conservative an estimate. The College owns a tract of land, the Knoll, the value of which has been estimated in the press to be $15,000,000 or more." The facts are:

1. As indicated in Section II, II, B, 3, the mere citation of an asset figure is meaningless. It tells one nothing about financial exigency. Each year corporations with assets in the ten's of millions go bankrupt.

2. Newspaper articles have never been, nor ever will be, a reliable source for assessing land values. The College has never quoted such a value for the Knoll property.

L. It is asserted that, "No detailed accounting of the total financial state of the College, of which a projected decline in enrollment can constitute only one factor, has been submitted to the faculty or its representatives." The facts are:

1. Last year at least seventy-five percent of our operating income came from student tuition. Therefore, enrollment is the jugular vein of the institution, not just "only one factor." Are there any other more significant factors?

2. Regarding the detailed accounting of the College's financial position, see Section II, II, B, 1 - 12.

M. It is asserted, "Furthermore, the thirteen have been dismissed outright with no provision for reinstatement should the alleged financial exigency be abated." The facts are:

1. Professor Samuel Haas has been offered a position of Research Professor and Librarian, effective July 1, 1974, upon completion of his Library Science Degree.

2. We would be happy to establish procedures for reinstatement should the financial exigency be abated, and would have raised these issues with the Council or Committee A had our repeated requests for a hearing throughout the spring of 1973 been granted.

N. It is asserted, "Neither a new president's displeasure with a college faculty nor common decency permit the making of faculty appointments de novo, as if no faculty already existed." The facts are:

1. Faculty appointments have not been made in the manner stated.

2. Such charges should be supported with specific data.

O. It is asserted, "Men and women who have given as much as twenty-six years of service to a college must not be treated as though they had had only a casual connection with it." The fact is the only person with twenty-six years of service has been offered reinstatement -- See Section I, I, M, 1 above.

IV. Issues and findings relating to the abolition of tenure

A. It is asserted, "The investigating committee regrets that it was not given an oral explanation by the Bloomfield College administration of its case for the abrogation of the tenure of faculty members who had every reason to anticipate that the College administration would fully honor the commitments that were made when they received their formal letters of appointment to tenure written to them by previous presidents of the College. When the investigating committee visited the campus of Bloomfield College on July 28, 29, and 30, President Allshouse was aware of the willingness of the committee to listen to anything he, the Dean of the College, or any member of the Board desired to say. President Allshouse had been so informed by the Acting General Secretary prior to the visit, and by the chairman of the investigating committee during the course of the visit. On the last day of the visit, President Allshouse asked to appear before the committee, and did appear from 12:15 to 12:20, during which time he handed the committee a letter, dated July 30, which he proceeded to read aloud, and in which he asked the committee to return to the College at a later date to receive an explanation of the administration's case for its course of action. The committee readily agreed to make a second visit to the campus, but on the condition that it be made relatively soon. After some negotiation, the committee agreed to return to Bloomfield on October 18, but shortly before that date a meeting with the committee proved to be unacceptable to President Allshouse, and thereafter, because limitations were insisted upon by President Allshouse which the committee found unacceptable, the committee decided not to make a second trip to Bloomfield College..."

The facts are detailed under Section I, III, E, 1 - 26 above.

B. Relative to my views, arguments and principles, it is asserted that, "The investigating committee believes that it is in a position to describe and analyze his views on the basis of the substantial body of documentation presently available to it." What follows in the report is a collage of statements out of context, newspaper quotes falsely attributed to me, and ridicule by anecdote. If the authors wish the readers to evaluate my views unedited and not taken out of context, Section II of the "Preface Toward a Case Study" as Appendix K is enclosed, as well as my report to the faculty of May 2, 1973 as Appendix L.

C. It is asserted that, "as recently as March, 1970, the College administration seemed to be proud of all the innovative work by the faculty going on in all branches of the institution." The facts are:

1. The 1970 Middle States Evaluation Report was prepared before either the Dean of the College or I had any affiliation with Bloomfield College.

2. There are no statements in the Self-Evaluation which indicate that the administration viewed the faculty as "innovative."

3. There are no statements in the Middle States Evaluation Report

which characterize the faculty as innovative. Indeed, the point is made repeatedly that program initiative was taken by the administration and the faculty frequently felt left out.

4. Many of those faculty who now insist on characterizing the faculty as innovative fought vigorously against the Cooperative Education and Nursing Programs.

D. It is asserted, "The Executive Committee of the Bloomfield College AAUP Chapter, in a memorandum of June 15, 1973 to the Committee on Academic Affairs of the Board of Trustees, protested against the current administration's claim that the faculty had not been responsive to new ideas and change. 'Yet this same faculty,' it declared, 'approved the 4-1-4 calendar and adopted sweeping changes in the curriculum only two years ago. These included the distribution system and the introduction of such new programs as independent study, special studies, the contract program, interdisciplinary studies, and the living-learning center. The faculty has given clear evidence of its creativity and its capacity for constructive change.'" The facts are:

1. The Academic Affairs Committee of the Board of Trustees realizes that these curricular programs were all introduced during my initial year as Dean of the College. I have been open and honest with the Board about the degree to which these programs were and were not conceived and written by the faculty. There was a general consensus, which I reluctantly came to recognize, that many faculty viewed these as cosmetic or administrative window dressing, to which assent could be given as long as nothing fundamental really changed.

2. On June 26, 1973 the College received the Report on Re-Evaluation of the Undergraduate Teacher Education Program at Bloomfield College Conducted by the Bureau of Teacher Education and Academic Credentials of the New Jersey Department of Education. Through this extensive evaluation members of the team had personal visits with most of our faculty. A few of their observations are relevant to this issue.

> a. "The programs at Bloomfield meet the minimum required levels, but they do not appear to embody the spirit of innovation and intellectual challenge that was expressed by the president and the academic dean in their assessment of the direction that they envision for the College."
>
> b. "In the materials seen at Bloomfield College there was an adequate but less than exemplary conception of the roles of the teacher in contemporary American society."
>
> c. The committee observed, for example, that there were virtually no written programs outlining required and recommended courses for the various Teacher Education programs.
>
> d. The evaluation team was especially pleased to hear the plans of the dean and president with regard to selection

procedures for the next Education Department Chairman. "Involvement of a wide segment of the College staff in these procedures is most commendable."

3. Through lack of faculty interest, support and initiative very few students are currently engaged in independent study or contract programs. Most departments have not offered special study courses unless initiated by administrative prodding. Only four members of the faculty have expressed a willingness to design or participate in living-learning centers.

4. The AAUP-sponsored "Substitute Plan" would have eliminated the entire interdisciplinary studies program.

E. It is asserted that, "Thus the innovative faculty ferment described by the administration of the College in 1970 had apparently degenerated into wide-scale indifference to change by early 1973. On the evidence before it, the investigating committee can only venture to suggest that either the 1970 or the 1973 College administration was indulging in special pleading. Both could not be right." The facts are: The premise that the present administration characterized the faculty as innovative is totally false. I would urge the investigating committee to consult with Dr. Kenneth B. O'Brien, Jr. and Dr. Meyer M. Hostetter, the previous President and Dean of the College respectively at that time, for their evaluations of the faculty. In fact, neither they nor the current administration had ever, at any time, characterized the faculty as innovative; nor, to my knowledge, has any evaluation team, including the most recent from the Middle States Association and the Department of Education, found our faculty to be innovative.

Section II. <u>What important facts are omitted from the report</u>

I. Introduction

A. No attention is given to the economic history of Bloomfield College and the extent to which, throughout the sixties, it became increasingly tuition dependent for its operating budget.

B. No analysis was made of the Middle States Evaluation of 1959 or the background for the recommendation in 1959 of the Council on Theological Education to phase out the Seminary program.

II. The events of the 1972-73 academic year

A. While general reference is made to the March 1970 Middle States Association Evaluation Report, significant items are not mentioned which will give the reader a fuller perspective in terms of which the College and its faculty can be understood at the beginning of this decade.

1. "Bloomfield College is a college in search of its character."

2. "A number of educational programs were initiated by the immediate past president. They are in process of being established and being tested. Their future is yet uncertain."

3. "...There is a Faculty Council which serves as the executive committee of the faculty and is responsible not only for long range study and planning but for liaison with the Board of Trustees and general faculty management."

4. "Bloomfield's improvements and facilities have, in large part, been financed by grants from the federal government and from the Fifty Million Dollar Campaign of the Presbyterian Church. Nonetheless, they also have established a capital debt of close to $3,000,000 which will be augmented by another $344,000 loan to complete the financing of the renovation of Westminster Hall. Service on this debt has, as a consequence, played a role in establishing a series of operational deficits which has produced a current fund deficit of $512,000 (more accurately $893,000 if 'Advances to Plant Funds' are included)."

5. "... The total capital obligations of the College at the end of the current year will approximate 5.9 million dollars plus the augmented current fund debt previously mentioned."

6. "Despite acceptance of considerable numbers of transfer students, the upper division classes are only about two-thirds the size of the earlier number. The feature of transiency is therefore prominent."

7. "Despite the appreciation for opportunity at Bloomfield College, there is discomfort with respect to enrollment. Bloomfield has been growing and has counted each year on a somewhat larger enrollment in order to make the budget balance. Last year, despite strong effort, fewer new students were matriculated than had been presumed in the budget. There is concern about the numbers to be registered in the fall of 1970...."

8. "Numbers in enrollment are but one element of concern. The other is quality. Annual attrition through failure and withdrawal is at a rate of about twenty percent."

9. "The faculty ... has a relatively low ratio of earned doctorates. Less than twenty percent have the doctorate."

10. "... Of even greater important is perhaps the change in character of the administrative leadership. The top administrative officers at Bloomfield have been members of the clergy and the character of their approach to the institution might be described as ministerial. The new president and the dean of the college-designate are laymen, professors and professional administrators of liberal arts colleges. Change of stress in two regards seems likely in this shift in character. The ministerial approach is 'personal' in the tradition of 'saving' and furthering the individual. The educator-administrator tends to stress salvaging the disadvantaged in terms of academic and/or functional criteria. Both are concerned with community service. The former, however, stresses the role of educational opportunity as charity, the latter the role of clarifying human relations and service through specialization. Inevitably in the educator-administrator's make-up there is an emphasis that causes the

criterion of professional recognition or prestige to seem to loom large as an operative value."

11. "In view of recent enrollment history at Bloomfield and conditions generally, there is reasonable doubt about projected registration."

12. "In speaking of the accumulated debt of the institution, it seemed apparent that the full magnitude of obligations was not accurately held in the minds of the leadership. Nor did there seem to be clear perception of the cost to operations, in flexibility and in dollars, because of the debt accrual."

13. "No cause for optimism is found in reviewing the fund raising area. There are approximately 3,000 alumni, counting the nurses who have become alumnae through amalgamation. Of the 1,500 plus Bloomfield College alumnae, approximately 900 graduated in the last ten years. The older alumni are, in large part, in forms of work that provide only modest income; the younger will not very often have advanced to affluence. An annual fund effort began in 1962. Last year the annual fund raised $12,000."

14. "At the present time, the potential for deep disagreement and divisive loyalties is clearly evident."

15. "The result of the 1970 Middle States Evaluation was that the College was reaccredited for two years and cautioned to develop its fiscal plans to insure future financial stability.

B. While the report seeks to convey the impression that I did not alert the faculty to the College's financial plight until 1972, the facts are clearly to the contrary. The following items of information were public knowledge to the entire College community, especially the local AAUP leadership.

1. Dr. Harry T. Taylor's Bloomfield College, The First Century 1868-1968, A Centennial Study. This centennial study is a fine historical account of a college which has been on the brink of bankruptcy for over a century.

2. Since the mid-sixties the annual certified audit has been open for review in the College Library.

3. The Middle States Self-Evaluation of 1970, which contained the following significant financial data:

a. Record of annual successive operating deficits between 1964-1969 of approximately $500,000.

b. An increase from 73% to 83% between 1966-67 and 1970-71 in the proportion of educational and general expenses covered by tuition and fees.

c. Mortgage and loan indebtedness of $5,492,053.62 as of June 30, 1969.

4. The 1970 Middle States Association Report which granted a two-year extension of accreditation and urged careful financial planning.

5. The 1970-71 annual report in which President Kenneth B. O'Brien, Jr. indicated that the College's "severe current financial problems" had not been alleviated during his administration.

6. Since 1970-71 representatives of the AAUP's Committee Z participated in the preparation of the annual college budget, a policy not followed since the advent of collective bargaining.

7. The 1971-72 annual report which contained considerable financial data, including five- and ten-year comparisons of enrollment, income, operating budgets, assets, tuition, and percentage breakdowns of income sources and expense allocations. This report began by calling attention to the new depression in high education and the Jellema AAC Study indicating that if present deficit rates continued, 365 of the 507 colleges studied would be closed by 1980. I also noted the danger signal that "while expenses have maintained their ratio proportional to growth, an increasing percentage of operating costs has been taken from tuition."

8. The Invisible Colleges, A Profile of Small Private Liberal Arts Colleges with Limited Resources, by Alexander Astin and Calvin Lee, was published in the spring of 1972 as part of the Carnegie Commission series. Bloomfield College was one of 481 colleges listed in this profile, which I urged every member of the faculty to read and take seriously. For those not familiar with an institution like Bloomfield College, as is the case with the members of the ad hoc investigating committee, a reading of this work is indispensable. Astin and Lee described our plight well when they characterized the invisible colleges as follows: "...Our evidence suggests that the problems of the elite colleges are qualitatively different from those facing the invisible colleges. Elite colleges are, to be sure, caught in certain financial binds that may affect their programs, and as they continue to raise their already high tuition fees in order to support these high-cost programs, they may find it increasingly more difficult to maintain their high admissions standards. At the same time, they may find that their already affluent student clientele will comprise fewer and fewer students from poor families and from minority groups. But these problems pale in comparison with those of the invisible colleges. For them, the question is not one of changes in the characteristics of their student bodies; it is a question of survival. They are not concerned about whether they will attract too many or too few students of a particular type but about whether they will attract enough students of any type.... the students who attend invisible colleges are very similar (particularly in their rather low socioeconomic backgrounds) to the students who attend public colleges. Thus, it is safe to conclude that the proliferation of tax-subsidized public institutions poses a much greater threat to the invisible college than to the elite one. The prospect of a virtually free public higher education is likely to be far more tempting to the prospective invisible college student than to the prospective elite college student. At the heart of this dilemma is the confusion of the invisible college over its role and identity. So far, no one has developed a strategy for the salvation of invisible colleges that does not jeopardize either their small size or

their private status. Therefore, salvation has rested in faith: faith in traditional purposes, faith in their Christian mission (in the case of church-related colleges), faith in the values of smallness and of freedom from state interference and control. .... At present, the invisible colleges are plagued by inadequate federal and state aid and by their very small endowments. One administrator at an invisible college pinpointed this second problem as follows: 'Our alumni do not support us well, since they are not generally in the upper earning class. Our graduates are service-oriented'... As a consequence of this lack of outside financial support, the invisible colleges have become increasingly dependent upon tuition and fees for income... the dollar tuition discrepancies between invisible and public colleges are much greater than those between invisible and elite colleges. Thus, the public colleges have the advantage of being able to attract more lower-income students who might otherwise attend invisible colleges, and the elite colleges have the advantage of their superior prestige to make higher tuition charges acceptable to their prospective students... Short of raising tuitions and thus pricing themselves out of the market, the alternatives open to the invisible colleges in their efforts to remain solvent are generally unattractive. They can offer lower faculty salaries; they can use unrestricted endowment to meet operating costs; they can increase the ratio of students to faculty; or they can try to attract more students... The major difficulties with most of these self-help strategies are (a) that they are not likely to work and (b) that even if they do, they are likely to be self-defeating in that they may very well erode the special contributions and essential virtues of the invisible colleges."

pp. 94-96

9. At virtually every meeting of the faculty since my arrival at Bloomfield College in July of 1971, I have emphasized: (1) a better understanding of our mission in light of local, regional and national trends; (2) the importance of long range planning and five-year budgeting; and (3) the critical factor of enrollment.

10. Since June 1972, an elected member of the faculty has served on each standing committee of the Board of Trustees, with vote. Meetings of the Financial Affairs Committee were held on September 25 and October 26 in 1972, and in 1973 on January 18, January 27, February 27, April 17 and June 14.

11. The Long Range Planning Commission never served as a legislative body but worked only to coordinate all-College planning, a service that was badly needed, as revealed by the 1970 Middle States Association Report. Whenever specific recommendations were formulated, these were referred immediately to the appropriate faculty, student, or Board standing committee. Examples of such action are clear in the referral of proposals concerning the Cooperative Education Program (which went to the Faculty's Cooperative Education Committee) and proposals regarding the Physical Education curriculum (which went to the Faculty Committee on Curriculum and Instruction). No legislative action was ever taken by the Long Range Planning Commission.

12. The Profile Report, widely distributed throughout the College community in February 1972, contained exceedingly detailed enrollment,

financial and budget projections which made it clear that unless the faculty was reduced in size, the annual accumulated operating deficits over the next five years would reach the million dollar mark.

13. Since June 1972, two elected members of the faculty have served on the Board, without vote. During 1972-73 Professor Robinson was one of those faculty at the March 1973 meeting of the Board when a financial exigency budget was adopted with the stipulation that the full-time faculty be reduced to 54 positions. He was asked by the Chairman if he wished to comment prior to the vote. He made no comment and did not report the details of this meeting to the faculty.

C. The following information was left with Dr. Kurland on February 28:

1- List of Long Range Planning Committee Members
2- Planning Flow Chart
3- 1973-74 Budget Building Calendar
4- Enrollment Projections for 1972-78- November 28, 1972
5- Reports from the Dean of the College- November 28, 1972
   A- The Academic Program - 1972-77
   B- Modification of the Cooperative Education Program - Service, Travel, and the Arts
   C- Office of Continuing Education-Five Year Planning Report
6- The Student Body: A Study of Desirable Characteristics for the Future - 1972
7- A Statement of Educational Philosophy
8- Projections for the Academic Program 1972-78 - December 4, 1972
9- Academic Planning Report - January 8, 1973
10- Cooperative Education Committee Report - January 9, 1973
11- Administrative Program Priorities - 1973-78
12- Assumptions for Long Range Enrollment Projections
13- Academic Planning Report - January 29, 1973
14- Academic Planning Report - February 12, 1973
15- The Imperative for Change: A Profile Report, February 13, 1973
16- Report to the Faculty Council from the Long Range Planning Commission on "Plan for the Systematic Reduction of Faculty Size" - February 14, 1973

No one from the Washington staff raised any question regarding the accuracy or propriety of any of these documents.

D. On March 13, 1973 the Faculty Council unanimously recommended:

1. The establishment of an "Ad Hoc Evaluation Committee based on broad faculty representation and charged with the evaluation of qualifications of individual faculty members in accordance with faculty positions as defined in the document which will be submitted to the Council as part of its final report"; and

2. The establishment of an "Ad Hoc Appeals Board with broad faculty representation and charged with the task of receiving, reviewing and considering appeals after notices of termination..."

E. On April 6 the Faculty Council issued the following statement of clarification regarding the nature of a questionnaire which was that part of the March 22 report to which Dr. Kurland took exception and about which he spoke to the faculty on April 4:

> "The Faculty Council welcomes the opportunity for further discussion of a constructive nature regarding "A Plan for the Systematic Reduction of Faculty Size due to Financial Exigency." The Faculty Council has decided to call for a Special Meeting of the Faculty on Wednesday, April 11th.
>
> "In response to the Faculty's concern regarding the nature of the questionnaire, the Faculty is invited to use either the original questionnaire or to submit in a form of its own choosing any information they feel would be relevant for an evaluation process. This information should be submitted not later than Friday, April 13, 1973. It is hoped that any alternative plan will be ready for consideration at this meeting."

F. In response to Dr. Kurland's letter of May 16 denying my request of May 10 to meet with the Council or Committee A, the following letter was written on June 7:

> "I am deeply disappointed that you think it will not be possible for us to meet with the AAUP Council or Committee A. I certainly understand that the costs involved in bringing together either one of these bodies is considerable; however, the potential cost to Bloomfield College in not having a clear understanding of our relationship with the AAUP could involve hundreds of thousands of dollars in a combination of lost income, legal fees, and court costs. As I indicated in my letter to you, the problems which Bloomfield College faces are critical and could easily culminate in the closing of the institution. That cost represents millions of dollars of lost income over a period of years to our existing faculty. Therefore, I hope you will reconsider our original request and consider the value of allowing us to present our case before the Council or Committee A. I would prefer not to venture beyond June 30 without having had the benefit

of a hearing before the AAUP Council. Another alternative would be for you to arrange for us a meeting with Walter Adams prior to June 30, for I think it would be appropriate for him to be informed about our efforts to seek a hearing before the Council. While I would find a meeting with you and Bert Davis extremely congenial, I am not certain, at this point, that any new light would be shed on matters which we had discussed previously. The crucial issue before us now is to what extent we will be able to work within both the 1972 operatingguidelines on institutional problems resulting from financial exigency and the traditional 1940 and 1958 guidelines as we plan to reduce the size of our full-time faculty from 72 to 54 positions over the next year. I would hope that the AAUP is interested primarily in the academic integrity of the institution and thereby supportive of professional responsibility of its members.

"If after considering the urgency of our situation you feel that it is still not possible to let us present our case directly to the Council or Committee A, then I should be most appreciative if you and Bert would be able to meet us at Bloomfield sometime prior to the 30th of June. I appreciate very much your invitation to have Dean Nodder and Professors Robinson and Kaufman and myself come to Washington again. However, my schedule is simply so tight during the next three weeks that I cannot possibly work in a trip to Washington. We shall be happy to arrang e our schedule to any time which you find convenient during the next three weeks."

It is interesting and sad that on January 14, 1974 Walter Adams said he was totally unaware of our desire to meet with him. On June 12 Dr. Kurland denied my request of June 7.

G. Again on June 18 I wrote to Dr. Davis requesting a meeting with the Council or Committee A or, if either seemed impossible, a meeting with Dr. Davis and Dr. Kurland at Bloomfield on June 26. Excerpts of that letter appear below.

"...The general tone and substance of your telegram were so unrelated to the specific issues we face at a school like Bloomfield College that it may be useful to review our discussion. On February 27 the President and Committee A Chairman of our AAUP Chapter, Dean Nodder, and I met with you and Jordan Kurland to discuss a broad spectrum of planning issues arising out of a condition of financial exigency. It has been, and is our intention to work within the spirit of AAUP Guidelines, and we came to your office to share problems we saw in applying the 1972 operating guidelines 'on institutional problems resulting from financial exigency' within the context of the 1940 and 1958 statements on academic freedom and tenure. We indicated our conviction that personnel recommendations relative to reducing the size of the faculty should be made only against the criteria of sound academic planning, a primary assumption of the 1972 operating guidelines. Among the many documents we left with Jordan Kurland that day was a Profile Report, distributed to the College community on February 13, which outlined the dimensions

of the College's financial crisis and the results of the planning process which had been initiated in 1971. This included a section dealing with the work of a special Board Committee charged to develop a tenure policy for the College. We, like many small colleges, had a tenure granting procedure but no policy. We felt that our day in Washington had been profitable and were under the impression that Jordan Kurland would let us know, after perusing the planning documents, if he perceived any difficulty in the procedure we were following. On April 4 Jordan Kurland came to Bloomfield to discuss issues arising out of the March 22 Faculty Council's report 'On a Plan for the Systematic Reduction of the Faculty Due to Financial Exigency' since there had been considerable alarm expressed by some members of the Faculty about both the procedures used by the Council and the substance of the report. In my letter to Jordan Kurland of April 10 and in both oral and written reports to the Faculty, I made it clear that 'in many cases a rigid adherence to the 1940 and 1958 Guidelines will preclude that flexibility and responsiveness necessary for survival' at Bloomfield. In every written and verbal statement both to your office and our Faculty, I have made it clear that my first allegiance is to a sound academic program which will bring the College out of its present condition of financial exigency. I have on no occasion said, as implied in your telegram that the 1940 statement of principle would be upheld at Bloomfield if doing so would prohibit the Board from exercising its freedom in determining the College's mission and direction for the future and meeting its fiduciary responsibilities.

"On May 10 I wrote to Jordan Kurland requesting an opportunity to meet with the AAUP Council, Committee A, or some other appropriate committee to discuss the relation of the 1940, 1958, and 1972 AAUP Guidelines and statements to our condition of financial exigency. Again on June 7 I wrote requesting a reconsideration of the merit of our request in light of the urgency of Bloomfield's situation. We felt strongly that the problems currently encountered by Bloomfield College are characteristic of those about to be faced by many of the small, private 'invisible colleges' in which enrollments are shrinking. A creative response to our problem and a sensitive understanding of the issues may be of great service to both the AAUP and higher education generally....

"Finally, Bert, I trust that when you refer to 'drastic injury to the College' which may result from contemplated action on the part of our Board, you are not implying a veiled threat of consequences which may result from action initiated by the AAUP in response to our Board's decision. I would hope that you would be willing to support the development of the strongest possible academic program at Bloomfield College; to do otherwise would mean professional insecurity and loss of economic status for our entire Faculty in light of current enrollment projections. We are firmly committed to academic freedom with or without a tenure system.

"I have taken the liberty of sharing this letter with officers of the AAUP Council, in view of your decision to share the telegram with officers of the College's Board of Trustees. Once again I call upon you to reconsider your decision to handle our situation merely at the staff level and to make available to us a meeting with either the AAUP Council or Committee A at the earliest possible date. If you still find such a meeting impossible, then we would be quite eager to meet with you on June 26 here at Bloomfield if you and Jordan could find the time to make the trip."

Dr. Davis responded on June 22, "I frankly do not see what useful purpose could be served by staff members going to Bloomfield..."

On June 26 I wrote to Dr. Davis expressing disappointment that the Washington staff had not facilitated a meeting with the Council or Committee A to effect a resolution of our problems, and I requested Dr. Davis to consider delaying his vacation plans in order to effect a reconciliation. On June 27 Dr. Davis wrote, "I can pass over very quickly the naive suggestion that, somehow, in matters of critical importance, we must convene Committee A or Council (at very great expense) to exercise responsibilities which the Council has appointed the General Secretary and his staff to exercise."

On July 2 I replied to Dr. Davis. Excerpts appear below.

"In view of your apparent inability to find time to come to Bloomfield when mutually satisfactory, and given the fact that your office has already issued one news release that contains fallacious allegations about the situation at Bloomfield, I hardly think it is a 'naive suggestion' that we meet with Committee A or the Council. Jordan Kurland indicated that the expenditure of $9,000 made a meeting of the Council prohibitive. Frankly, such an expenditure may have been wise in retrospect when one considers the potential expense that both the AAUP and Bloomfield College may incur through litigation. Do you really think it is naive for me to request to meet with the Council or Committee A if you seem more willing to let matters drift toward polarization than to assist us in finding an amicable solution?

"...We have exchanged our verbal volleys and I fear that you may be anxious to turn further exchange over to our attorneys. If so, I think you have missed an opportunity to avoid this potential conflict. I am always ready and willing to meet with you, or Committee A, or the Council any day that I am not involved in NLRB or court hearings. If there is some reason you simply wish to avoid a personal consultation with us on these issues, please let me know and I will not invest any more time in seeking a forum for rational discussion and negotiation outside of the court, which certainly is not the proper context for making complex educational judgments which affect the mission and future of our College."

Shortly thereafter, a meeting was set for July 9 in New York City with AAUP staff members, the College, Professor Robinson, and Professor Ralph Brown.

H. On July 16 I responded to Dr. Kurland's letter of July 13 and urged him not to rush into civil action until other avenues had been thoroughly exhausted. (See Appendix M for the full test of this letter.)

I. Although it is noted that the investigating committee spoke with some faculty who supported "the administration's policies," the views of these faculty are nowhere presented in the report. In the interests of letting all sides be heard, I am entering the following letters from members of the faculty into the body of this reply at their specific request. In a fundamental sense these faculty responses could stand on their own as a total institutional response to the draft report without any further comment from me, since they are representative of many of our most respected faculty.

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 • (201) 748-9000

Dean of the College

January 31, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Jordan:

Thank you for sending to me a copy of the report which has been prepared by the ad hoc investigating committee of the national AAUP. I have read it carefully and I feel compelled to respond, although I have little or no hope that you are sincerely open to dialogue about it. I was on vacation when the investigating committee visited the campus last July and they have made no attempt to secure information from me. In the report, the committee has referred to my role in the planning process and they have quoted, rather misrepresented, from my memos, but I was not even accorded the professional courtesy of an interview.

First, the report gives clear evidence of the inadequacy of the procedures used by the investigating team. It is inconceivable to me that any committee charged with the responsibility of impartial investigation and fact-finding would even proceed to write such an important report without having interviewed or secured information from most of the people who were involved in the process leading to the action which is under investigation. You will recall in my letter of July 18, addressed to you, that I raised questions about the possibility for a fair, objective investigation when the General Secretary had already found us to be guilty of violation of due process and had made public statements to this effect. A copy of that letter is attached as a reminder of my concern even then. Unfortunately, the way in which the committee has proceeded and the character of its report makes the question seem like prophecy. If you will pardon the intrusion of a personal opinion, stated rather directly, it appears to me that the investigating committee has not permitted the facts to be a threat to their mission.

Second, the report contains a number of factual inaccuracies. This does not surprise me since the committee has spoken to so few people who can provide the facts. Surely you are aware that the AAUP may incur unnecessary embarrassment and make itself vulnerable to counterattack by proceeding to publish

a report which contains demonstrable errors in fact.

Third, the report is very misleading at a number of points because of the distortion caused by both the omission of crucial facts and the interpretation given to isolated facts. Many of the quotations cited are taken out of context. This selective omission of fact and the twisting of meaning of quotations, whether intentional or unintentional, gives a very slanted picture to the reader. We can document that it happened in a very different way.

Fourth, I strongly object to the vicious ad hominem attack on Merle Allshouse which seems to be the preoccupation of the report. Are you investigating a question of due process or attacking a man and his ideas? If you wish to debate Merle and his ideas, let us find an appropriate forum and let all of us join in since even among ourselves we have disagreement over ideas and issues, but let us not confuse factual inquiry with ideological controversy.

Fifth, I continue to be puzzled by your insistence on being reactive and punitive. For months last spring we sought cooperation with the AAUP during the course of our planning. We carefully read and distributed such documents as the AAUP's On Institutional Problems Resulting from Financial Exigency: Some Operating Guidelines, the AAC's Statement on Financial Exigency and Staff Reduction, the section in the Keast report, published in Faculty Tenure, on Financial Exigency, the ACE's Steady-State Staffing in Tenure-Granting Institutions, and Related Papers, and your paper which was read at the AAC meetings in January 1972. We constantly sought dialogue with you on the application of these guidelines. You repeatedly failed to assist us and made it virtually impossible for us to confer with AAUP committees. Surely you must be aware of the need for you to face up to the role which you have played in the development of the problem.

Frankly, I doubt if there is much which could be salvaged from the procedures used and the report which was written to respond adequately to my concerns. I urge you to look once again at the suggestions which I offered in my letter of July 18 concerning the setting up of an investigation committee and consider beginning again. If you choose not to follow my suggestion, I respectfully request that a copy of this letter be circulated with the report whenever it is considered by your committees and that it be published with the report in the AAUP Bulletin.

I would be less than honest if I did not communicate to you openly my deep disappointment with not only the report but the way in which the entire "Bloomfield situation" has been handled by both the National Office and the Bloomfield Chapter of the AAUP. Higher education, Bloomfield College, and the AAUP itself deserve better in the handling of our common problems. The Bloomfield Chapter of the AAUP is very different from the other chapters with which I have been associated. It does not reflect the constructive posture of the large number of chapters which are committed to high professional standards and constructive solutions to the problems of higher education.

We believe in the pursuit of truth and processes of verification and we have indicated in writing that we would welcome a fair, objective investigation of what we have done. To be exposed publicly to the searchlight of truth is uncomfortable, and we are aware of the fallibility inherent in our mortal condition, but we also believe in accountability and we are confident that we will be vindicated when the truth is known. The irony may be that the fair and impartial investigation we had hoped to receive from the AAUP may be accorded by the higher education community, despite the AAUP.

Sincerely yours,

Stanley Nodder, Jr.

Stanley Nodder, Jr.
Dean of the College

SN:im

cc: Dr. Bertram Davis
Professor Walter Adams
Professor David Fellman
Professor Sherman David Spector
Professor Julius Wishner
Professor Ralph Brown

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 • (201) 748-0000

Dean of the College

July 18, 1973

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Jordan:

It was good to speak to you on the telephone twice today in response to your letter of July 16 addressed to Merle. As I indicated in our conversation, Merle will be out of town until next Monday, July 23, and he will not be able to respond for himself until then. In the meantime, I shall make a provisional response.

We object to your refusal to consider our request for consultation on the selection of members for an ad hoc investigating committee. I personally am impressed with many of the qualifications of the persons you have selected and they may be ideal choices, but you seem to have totally disregarded our stated concerns. Have any of them had first-hand experience with a small, private, liberal arts college facing financial exigency? Have any ever held an administrative position at a college or university? Would it be useful to have a Humanist or Natural Scientist and not all Social Scientists? Even if you refused to confer with us you could inform us if you took into account our particular concerns.

We also object to your setting of dates without adequate consultation with us. There was mention of possible dates at our meeting of July 9, but no agreement was reached. The weekend of July 28th is a bad time for us since many persons who can provide useful information to the committee will not be available. I am scheduled to go on vacation July 27 and a number of our Trustees and Faculty members will be unavailable because they are in distant places. If the investigating committee is interested in getting the facts from the people who have been most intimately involved in the decisions which you are investigating, I would think they would want to wait until these persons were available. If you wish to send the ad hoc committee on that date despite our stated objections, we will make every effort to be accomodating and cooperative. We will try to rearrange our schedules to suit your convenience. But, for some it will be impossible. This agreement to be cooperative with the investigation on those dates is provisional, pending confirmation from Merle who may wish to confer with counsel.

We would expect, however, that the investigating committee would not complete their investigation and formulate their conclusions until they have returned to speak to those persons who are unavailable now. It seems to me that it may be difficult for them to be objective, anyway, since Bert Davis has already made an official AAUP statement to the press charging us with violations of due process. It does raise theoretical questions about the possibility for a fair, objective investigation. Can an investigating committee make an objective evaluation when the Executive Secretary of the organization has already prejudged the outcome in public? If they find that Bert was wrong, will they be prepared to differ with their spokesman? Will they be looking to justify Bert's public charges and not to an objective evaluation of the facts? The task of the investigating committee is a formidable one as it is. It would be unfortunate to make their task more difficult by the way in which you are going about setting up the investigation. Personally, I would welcome a full, objective investigation at the appropriate time if the problem cannot be resolved satisfactorily through internal due process. For months we have been requesting the opportunity to meet with the academicians on the Executive Council and Committee A.

I find it curious that you sent copies of your letter to Merle to all members of the Faculty. This is the first time that they have been included among those receiving correspondence between you and Merle. The inclusion of the faculty in your personal correspondence, the timing of your letter and your insistence that the investigation be on July 28, whether crucial persons are available or not, seems to coincide in an unfortunate way with the balloting on whether or not the AAUP will be the sole collective bargaining agent for our faculty.

In your letter you make reference to the possibility that the report of the ad hoc investigating committee may be authorized for publication in the AAUP Bulletin. I think I am aware of your regular procedures and I would not be surprised if you followed your normal procedures. I guess that is what gives one concern about your unwillingness to follow regular procedures on other matters pertaining to the investigation of Bloomfield. You seem to be precipitant in refusing to permit the faculty's self-developed appeals process to function before the intrusion of the National AAUP. It is my understanding that you normally let the internal appeals mechanism function to completion and if that seems to produce unsatisfactory results, the local chapter of the AAUP then makes a formal request to the National AAUP for an investigation which may lead to censure. This has not been permitted to happen at Bloomfield. Why are you unwilling to follow your regular procedures and permit our faculty to utilize its appeals board as part of the due process we have established at Bloomfield, without a prejudicial intrusion by you?

I am pleased that you give us assurance that nothing will be released for publication prematurely. From our discussions we are aware that you are facing pressure from your constituents and you wish to keep them reassured that you are doing something about the action which Bloomfield has taken. To communicate with a large, national constituency, you must distribute information widely. We recognize the reality of your concern. However, if you do feel the need to communicate your position in widespread fashion, we will feel the need to make an appropriate response. Last spring, Merle and I had discussed at some length the possibility of detailing our planning process and our attempts at cooperation with the AAUP to every college

and university in the country. It was our thought that administrators across the country could profit from sharing their thoughts and ideas about systematic planning and its relationship to AAUP Policies and Guidelines. However, we decided not to proceed with the idea because we were concerned lest that approach would make cooperation with the AAUP more difficult. We were very anxious to meet with representatives of your Executive Council and Committee A and we did not want to create any animosity on your part which could cause you to refuse our request. Clearly, our strategy has not been effective. It may be that we could return to our original idea and develop a newsletter for administrators across the country as a means of communication, the way you use the AAUP Bulletin and Academe to communicate with your membership. Surely, you understand that we face pressures too and feel the need to respond in a positive, constructive way to them, and to communicate the nature of our response to those to whom it seems appropriate.

I cannot help but think that your repeated refusal over a five month period to assist us in interpreting AAUP published guidelines and policies, despite the published offer of the AAUP to do this, and to put us in touch with members of the Executive Council and Committee A, is inconsistent with your haste to have an investigation without regard to the feasibility of it. We have been seeking rational dialogue and a constructive resolution to the problems of our College according to AAUP guidelines. We continue to hope that you will begin to facilitate that process.

You may be certain that Merle will make a fuller response upon his return. I shall look forward to communicating with you again soon. Have a pleasant summer.

Sincerely yours,

Stan

Stanley Nodder, Jr.
Dean of the College

SN:im

cc: Officers of the Board of Trustees of Bloomfield College
President of the College
Members of the Ad Hoc Committee
Chairman of Committee A on Academic Freedom and Tenure
Northeastern Regional Office, AAUP

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 4, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Dr. Kurland:

To me, statements issued from the AAUP about recent events at Bloomfield College have been biased. Only recently did I discover how effectively you have communicated your distorted picture. I have encountered numerous colleagues at other colleges who have the impression that actions taken at this College are totally outrageous and that all the faculty is suffering because of them. That is simply not true. I am writing to urge you at least to present another view to help our colleagues realize that the situation here is much more complex and much less unjust than you have made out.

Those whose impression has been formed only by AAUP accounts are unaware that those reports and charges contain factual errors, selective omission so as to distort grossly in your favor, and/or ad hominem attacks upon the leadership of this College. More information will correct the mistakes or biases that have been occasioned by what seems to be prejudicial treatment on your part.

Let me mention only three actions that are part of our recent history and which have not been fully revealed. One of them has to do with the evaluation process by which assessments were made of individual faculty members and then presented to the administration to assist its decision making process with respect to terminating thirteen faculty members. The Board of Trustees had determined that because of financial exigency (it's real! and apparently getting worse), the faculty had to be reduced to fifty-four positions. A Faculty Council defined those positions which it felt were needed to enable the College to survive through the extremely challenging years ahead. Faculty members were requested to indicate which position they felt they were best qualified for. I was part of the Evaluation Committee that was given the task of matching faculty members with positions. Our task was to indicate how well individuals fit the defined areas. This change was made explicit for us by the

Faculty Council. In many cases two or more faculty members fit one allotted position. This committee was composed of five faculty persons, some of long standing, others recent. We were careful, deliberate, and open with each other. We tried our best to avoid arbitrariness and personal preferences. I believe that the process was responsible and just. Our evaluations served as a basis for the administration's decisions to retain or release faculty.

I was Chairman of the Commission to Explore Alternative Missions for the College. The work of this commission was extensive; we held open hearings repeatedly. We called constantly for input from all aspects of the College. A new concept of mission emerged that will, we believe, better serve the needs of the kinds of students that attend this College. This mission calls for a significant curriculum reform, which in turn demands very diverse types of faculty talents, some traditional, others unusual. A decision to find an alternative to the tenure system, which would strengthen academic freedom and improve the quality of learning/teaching here, was suggested as part of the new mission. The Board of Trustees endorsed that Commission's document. My experience is that faculty were given strong support and allowed to develop plans for the College according to our best insights and convictions.

I also served on the Committee to Review Tenure and Retirement Policies, which recommended to the Board of Trustees that a Faculty Development Contract be instituted as a replacement for the tenure system. Again, this document was carefully prepared after months of investigation, debate and reformulation; it was done in the committee and by the committee as a whole. A majority of faculty members serving on this committee voted to recommend a new policy that was subsequently adopted by the Board. The small minority who opposed it are leaders of the local AAUP chapter and critical of the changes taking place.

One of the points I am trying to make is that many faculty members have played an active and responsible role in shaping the new life at Bloomfield College. Unfortunately we have found ourselves in conflict with the AAUP. We did not chose to be at odds with you. We have not been manipulated or abused by the Board of Trustees or the Administration. In fact, I have never served in an institution where I have found such opportunity for creative and responsible growth, both personally and institutionally. Academic freedom is supported here; even resistance to the freedom to change is accepted.

Another point I wish to impress upon you and our colleagues is that I have <u>never</u> been consulted by AAUP investigators. I believe that many of my colleagues here, who have also played responsible roles in the changes, have likewise been ignored.

Perhaps that is one reason why such a distorted picture of the events at our College has been given through your publications. In fairness to the entire College and our common concern for truth and justice, I urge you to publish another view of our situation. Higher education is facing grave challenges; we shall hardly meet them effectively if we do not work together to strengthen that pursuit to which we are in common dedicated.

Sincerely yours,

William A Sadler Jr
per V.P.

William A. Sadler, Jr.
Professor of Sociology and
Area Head, Interdisciplinary Studies

WAS:gp
c c: Dr. Bertram Davis
Professor Walter Adams
Professor David Fellman
Professor Sherman David Spector
Professor Julius Wishner
Professor Ralph Brown
Dr. Merle F. Allshouse /

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 5, 1974.

Mr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
1 Dupont Circle
Washington, D.C. 20036

Dear Mr. Kurland,

After reviewing the report of the ad hoc Investigating Committee of the American Association of University Professors, I feel that I must respond in relation to the activities of the Faculty Council and the ad hoc Evaluation Committee.

As an elected member of the Faculty Council, and an appointed member of the Evaluation Committee, I wish to emphasize that the activities of both these committees were carried out with the utmost integrity, with objective analysis, and in good faith that we were assisting the College to prevail through a difficult situation and provide for the continuance of its operation. The burden of our responsibilities weighed heavily upon us, but we very humbly and sincerely tried to fulfill the task assigned to us in order to prevent the catastrophic possibility of the College's closing.

Sincerely yours,

Frances M. McLaughlin

Frances M. McLaughlin
Area Head
Nursing and Health Science

C.C. Dr. Bertram Davis.
Professor Walter Adams.
Professor David Fellman.
Professor Sherman David Spector.
Professor Julius Wishner.
Professor Ralph Brown.
Dr. Merle F. Allshouse.

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 6, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Dr. Kurland:

I have just completed reading the report of the Association ad hoc investigating committee on Bloomfield College, and I am filled with a sense of concern amounting almost to indignation. I was a member of a number of the committees at the college referred to in the document, among which were the Long Range Planning Commission, the Faculty Council and the ad hoc Evaluation Committee, and it is clear to me that the selective marshalling of facts by the investigating committee does a serious disservice to the actions of these groups.

For example, the faculty members of the Long Range Planning Commission were chosen not by the arbitrary selection of Dr. Allshouse, but in virtue of their positions in the college community. I was elected Chairman of the College Community Senate by students, faculty and administration. Professor Sealy was the elected chairman of the Faculty Council, Professor Kaufman, the Chairman of the Curriculum Committee, Professor Robinson, the elected President of the local chapter of the A.A.U.P., Professor N'Komo, the Director of the Black Studies program. It is my understanding that the faculty members holding these positions were members of the Long Range Planning Commission in the past. Certainly there was no attempt by Dr. Allshouse to load this commission with members favorable to his point of view. Any implication to the contrary simply is not true. Secondly, in the early meetings of this commission there was no indication that any action would be taken relative to faculty reduction. It was not until the enrollment figures began to come in that the commission realized severe measures would be needed to balance the budget. The whole matter was debated quite thoroughly and it was not without much pain that the decision was made that the faculty must be reduced. At no time, either then or later, was it ever suggested by any member of the administration that any individual faculty member be terminated. The discussions always cen-

tered around the competencies needed in a faculty of fifty-four to enable the college to function effectively as a liberal arts institution.

Similarly, in the discussions of the Faculty Council, never were individuals discussed, never was there any pressure from the administration at any time that definitions of positions should be framed so that some individual faculty members be excluded, others included. We were faced with a wrenching problem and before the final definitions were arrived at we consulted with all concerned parties, allowing every faculty member to make his or her input both in writing and personally. As a result of these inputs, numerous changes were made in the document, and we heard every faculty member out to the fullest. At no time did we make any decisions regarding tenure or academic freedom or the careers of individual faculty members as asserted by the document. At no time was it suggested that we do so. Further, the ad hoc evaluation committee did not consider those faculty members who had filled out questionnaires to be applying for positions. We needed as precise and as up-to-date evidence as possible in order to make reasonable and just evaluations. In the absence of such fresh data we would have had to rely exclusively on the personal data contained in the individual's confidential files.

There is, however, more to my objection to the investigating committee's report than questions of fact. I spoke to the members of the committee when they came to Bloomfield this summer. It was my conviction then, and the report only strengthens this conviction, that they came not to find out the facts, not to understand what actually was going on at Bloomfield, but to prepare a brief for positions already held. Instead of seeking out the facts and making a judgment when the facts were in, the committee was argumentative and at times personal in its questioning. (I did not relish the totally unwarranted and untrue implication that I left my previous position for any other reason whatsoever except my own choice.)

The events at Bloomfield over the past year have been complex indeed. This report does nothing to clarify them or place them in perspective. I might add, too, that if I were convinced last year, as I was, that the college is in a state of financial exigency, I am even more convinced of it today and that the measures taken last year were absolutely necessary for its survival. I am also convinced that if this report is allowed to stand without challenge

as an objective assessment of the situation here, it will seriously mislead those members of the academic community who read it.

Sincerely,

John L. Carey

John L. Carey
Professor of English

JLC:brm

cc: Dr. Bertram Davis
Professor Walter Adams
Professor David Fellman
Professor Sherman David Spector
Professor Julius Wishner
Professor Ralph Brown
Dr. Merle F. Allshouse ✓

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 7, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D.C. 20036

Dear Dr. Kurland:

I appreciate the opportunity to reply to the draft document sent to me. Given the length of the document, questions I have both about what is said, what is left unsaid, and critically about the context and tone, I shall not refer to all aspects where I believe my knowledge and commitments (intellectual and moral) might be brought to bear. Thus, omissions in my comments below should not be interpreted to mean that I do not have reservations, at times very serious, about most of the document. Indeed, I must confess that I was somewhat surprised, given my involvement in the events purportedly described, including reference to me by name (and inaccurately by relevant position) that no earlier attempt was made to obtain information from me. I would have felt honor-bound to oblige any reasonable request. If the aim is pursuit of truth, it is now very late indeed.

The overall tone of the document, alas, strikes me as closer than I would like to Alice's experience with "verdict first, trial later." I read this document too often as a brief to support, selectively, pre-ordained conclusions.

If the issues were simple malfeasance at an obscure college, with problems of no relevance to anyone else, due process would still be in order. Bloomfield College may indeed be "invisible," but the problems to which this College addressed itself are of significance far beyond one obscure campus, as any reading of the popular, let alone professional press would indicate. Centrally these include, in my judgment, the survival of many academic institutions in the face of rapidly changing and (critically) shrinking student populations.

I believe this College faces not only financial but also academic exigency. I do not assert that the path it is taking is the only way, it is too painful and uncertain for that. But, in a new and precarious academic world, I have seen no alternatives that did not seem more surely to lead to disaster. To me, one of the crises of higher education, both in colleges and professional associations, is institutional ossification; the obsession with ritualistic means ignoring educational ends is as deplorable as the sacrifice of all concern with means for absolute ends. The tone of the document submitted only reinforces this concern.

While not a major issue, I find the reference to me in the document revealing and troubling. I participated in the discussions with national offices of AAUP not in my capacity as a member of the Bloomfield College Faculty Council, but as Chairman for the year 1972-73 of the local chapter's Committee A. I was never formally removed from this office, or asked to resign. However, I, and at least one elected member of the chapter's Executive Council, were not notified of any Council meetings from sometime in late winter (February?) to the end of our terms. Presumably, dissent or potential dissent, if not leading to the status of non-person, leads from excommunication and being expunged from the records to a non-status.

The document's history of the College, as it bears on the matter at hand, is sketchy and questionable. Critically, the sixties and very early seventies were years of rapid growth (roughly a quadrupled enrollment) which was linked to growth in Faculty size, which bears on comments apropos faculty composition. Likewise, the salaries during most of these years, as reflected in AAUP reports, were extremely low, which presumably bears on the ability to attract and retain Faculty of reasonable, let alone excellent, quality. These years of boom and seeming affluence in most of American higher education, were years of fiscal privation and marginality for Bloomfield College (a matter of record). They also appear to have been benefit of academic planning. Unquestionably, the commitment of some Faculty helped keep the College alive, and this is now embodied in the myth of a Golden Age. I do not denigrate such commitment, but by itself, it can be just as much a liability, a barrier to adaptation, as an asset. As one who was awarded tenure, I still feel obliged to state that the College had tenure mechanisms, but appeared to have no policy (other than perhaps one of clan or desperation for some stability in a bad market position). I like and respect a number of the Faculty who have served the College long, but on the aggregate, it was institutionalized mediocracy, not a viable commodity, nor an honorable one, now or in the future.

I shall comment only briefly about references to "creative faculties" and the 1970 accreditation report. I was appointed as Professor of Sociology and Chairman of the Department effective 1970-71 academic year. During that year, I was also appointed by the then Dean of the College, Merle Allshouse, to serve on a Task Force to develop more adequate distribution and all-College requirements as part of a complete curricular revision (many department offerings were, in fact, little affected). Unquestionably, the Dean provided impetus and leadership, without him, frankly, nothing would have been done. He did not dictate, to be sure; the thrust came in turn from a minority of Faculty; much time and energy had to be taken to effect some changes in the face of much protectionism of vested departmental interests. The changes were marked in the context of Bloomfield College; they carried in good measure because no other alternatives came to the fore, and much time in debate was spent on one non-surprising issue (language requirements) and over relatively minor details. As for an impact on classroom and advising, it was in good measure a "paper revolution" (a phrase that I used at that time), but nevertheless a needed one.

The accreditation review occurred before I arrived at Bloomfield College, but my reading of their report, the scheduling of a new review for 1974-75, and an open meeting between a representative of Middle States Association of Colleges and Secondary Schools and the Faculty of this College in the spring of 1973 convinced me that my opinion that all was not well was reflected in concern about continuing accreditation.

To turn to my observations on the events of the past year. Here I must object most strongly to the cavalier treatment of the old versus new Faculty distinction. It appears to represent a wholesale acceptance of a charge by a faction of "Old Faculty" which is currently dominant in the local AAUP chapter. My own experience in the last 3 1/2 years convinces me that this faction has fought where possible, stalled where not, changes in the College which, in comparison to other institutions, were certainly not "avant-garde." The issue of internal power, to the best of my understanding, antedates the present crisis. I have already pointed out that the new faculty appointments reflected a changing and, until the last year, a growing college. Many came at senior levels. To put it bluntly, many appear to me more dedicated to saving the College than some of their senior colleagues, whom I believe to have been bent on seeking power, even at the expense of closing the College. My own commitment since my arrival has been to work with all, but factions have to be recognized when they exist.

The composition of the Long Range Planning Commission is badly and baldly misrepresented. I, as all who served, were selected by functional capacity; in my case, that of Chairman of the Faculty Committee on Curriculum and Instruction. I was one of the members of the Committee who pressed hard for a more realistic assessment of enrollment projections, based on both application data internally, and long range assessment of demographic trends. It quickly became clear, (1) that Bloomfield is not unique in its problems, and that there were unlikely to be temporary and (2) that financial exigency was likely to be painfully real, and unless planned for, lethal. I have seen nothing concerning Bloomfield or other institutions to make me believe anything but that the Committee was responsible (the enrollment projection made for this year were frighteningly accurate).

The section on the critical role of the Faculty Council I find indeed painful. To put it mildly, I am bemused by the selective perception of the document. In a report rife with a dual devil theory: the President of the Institution and the new vs old Faculty, why was the composition of the elected Faculty Council omitted? There it would be found that six of the nine members had been appointed to the Faculty prior to the term of President Allshouse's predecessor in office. In many respects, this body was as representative and diverse in length of service and field of specialization as could possible be asked. The task was taken very seriously indeed, with an incredible input of time, physical and psychic energy. Issues were debated openly, with an extraordinary high level and trust. This was not a rubber stamp. At that time, none appeared to question that the crisis was real. I cannot speak to the legal issues now being raised, but, unless financial exigency is co-terminous with bankruptcy, I believed then, as now, that the exigency was real, and the arguments of the report, in context, spurious. As noted in the report, questions were raised

in the meeting of College and AAUP representatives in Washington on February 27, 1973. The questions certainly were legitimate as to the asking, but I cannot agree with the subsequent conclusions.

In the context of that meeting, subsequent events, and the present report, I am astounded at the lack of reference to one AAUP document which was discussed at length in Washington and, with other documents, made available to the Long Range Planning Commission, Faculty Council and others. I refer to Dr. Kurland's Reducing Faculty Positions: Considerations of Sound Academic Practice, dated January 11, 1972.

In principle and tone, this is a thoughtful document. In some ways it appears at odds with more recent discussions with AAUP: Has AAUP as outsider made the distinctions of the "subtleties and qualities which distinguished excellence from mediocrity?" (page 3). In its stand on reduction, is it consistent with the statement that, "The termination of a faculty position because of bona fide financial exigency or bona fide reduction of program is not, nor was it ever meant to be, the same kind of formidable undertaking as dismissal for cause. The necessity for the reduction must be shown, and certain considerations of due process come into play, but it is neither required nor desirable in such cases to demonstrate that an individual, once judged fit to occupy a permanent position on the faculty, no longer possesses such fitness." (page 3, underlining mine, WCK), or "among the various considerations, difficult and often competing, that have to be taken into account..., the retention of a viable academic program should necessarily come first." (page 4)

It is the application of these principles that becomes difficult in a small college when receiving models based on universities. (Nothing was discussed more intensively, including with Dr. Kurland, than his example (pp. 4-5) of reduction in a history department). By and large, precedent and premises are based on cutting or the elimination of programs or departments. For a small College, this is at best a partial answer.

The allegation that the Faculty Council ignored tenure, is simply false. I would say that every attempt was made to operate in the spirit of fair play, with due regard for tenure, but not absolute protection in the light of criteris such as those from Dr. Kurland's paper quoted above.

The questions of composition and election of committees to evaluate Faculty and for due process and appeal was discussed at great length. For myself, I was concerned with the spectre of a Hobbesian war, which I raised at the February 27 meeting. The Faculty Council decided to consult widely, principally with departments (all who wanted to speak were heard by the Council) and, where it seemed desirable, outside consultation. This involvement of the Faculty, (granted not in a mass Faculty meeting) is not cited anywhere in the report. Much has been made of the fact that ultimately an appointive process (never described accurately in the report) rather than an elective one was used for the Evaluation Committee. This was an attempt at representativeness, varying expertise, and continuity, so that the spirit, not only the letter (and misreading of the letter) of the Faculty Council Report would be

carried out with due process for all. This became a central issue in Faculty actions and the AAUP report. In this context, I must question the sincerity of this argument since the Bloomfield College chapter of AAUP itself, in the Fall of 1973, expanded its Executive Council by appointive positions precisely on the claim that this would assure a more representative body.

I must also put on record that sometime about half way between the February 27 meeting with Dr. Kurland and the April 4 meeting, I took the initiative in calling Dr. Kurland (after learning that some College Faculty had gone to Washington). The purpose of my call was to ask Dr. Kurland to consider in any action or statements he might consider that the issues brought before him in good faith were increasingly imbedded in a long-standing problem of factions on campus, and that the local chapter of AAUP was more and more becoming the power base for a factional fight which might endanger the future of the College. I specifically tried to point out that I was not seeking any opinion or statements which might embroil him, but to apprise him of the situation which in my opinion was becoming very serious.

In many ways, the timing and tenor of Dr. Kurland's visit to Bloomfield College on April 4 added a critical new dimension to the situation. As far as I could see, it legitimized open conflict, with the AAUP chapter meeting serving as the base for a stampede at the immediatedly ensuing Faculty Meeting.

The Faculty Council Report had been the result of much anguish and deliberation. It was submitted unanimously and although discussion was long, only one recommendation regarding positions was not unanimous.

The April 4 Faculty Meeting, and those that ensued, reflected a situation, in my mind, abetted by the national AAUP, that produced heat not light, little or no willingness to discuss feasible alternatives, indeed aspects of the Hobbesian state I had feared. The alternate plan, rushed before the Faculty, gave no sign of considering academic priorities, let alone considering that "the retention of a viable academic program should necessarily come first." For some of its drafters and supporters, "purge the new" (in ideas and personnel) appeared to have priority, others I gather from conversations hoped that eventually a middle ground could be found. The climate established April 4 made this most difficult indeed.

The presentation of the Tenure issue in the AAUP report I read to be very defensive, and not accurate as to its development on campus. I was only marginally involved in the process. As one who had long believed in tenure and academic freedom, and who took his own tenure seriously, I had nevertheless privately questioned the adequacy of tenure as a safeguard of academic freedom, based largely on my interpretation of events among campuses around the country in the late sixties (observed at first hand at a major university). Academic Freedom was and is in danger, and not protected by tenure and the tenured at many institutions. As I watched the irrational defense of tenure as an end in itself at an insitution with an irrational tenure

system (Bloomfield College,) I found that as a matter of my own integrity, I could no longer defend the institution as traditionally interpreted. I am not convinced of truth by reiteration, and that is what I firmly believe has happened to the across-the-board defense of tenure in too many cases.

The only comment I shall make as to the decision of the Board of Trustees is based on my membership on the Board Committee on Academic Affairs. Again, this was not a rubber stamp committee. Its activities were climaxed by a marathon meeting prior to the meeting of the full Board in which a large number of Faculty presented their views which were conscientiously probed. This meeting lasted a full afternoon and evening, ending at midnight. The Committee's recommendations were made after full deliberation.

I shall also comment briefly on the vote of no confidence in the President. The narrowness of the margin deserves attention. More important, this was not an agenda item, and many, including myself, were not aware that it would be raised. Indeed, some colleagues who did not attend the meeting and who were not aware of any items on the agenda, did not attend the meeting, which came well after classes had ended for the year. Had they been informed beforehand (as is a normal statutory requirement), it is my best judgment that the motion of no confidence would have been narrowly defeated, rather than carried.

One aspect of the report I have virtually ignored until now, but cannot bypass further. I read the report to be a distorted and largely ad hominem attack on a principled man, Merle Allshouse. No man is infallible, but I have respect for his integrity, and such attacks I find distasteful, to say the least.

I find the report sadly lacking in fairness and accuracy. I regret this less for my own commitment to principles and a College (and I am committed to this College because of my principles, not visa versa) but for my concern with its reflection of a current stance of the national and local AAUP which my bode ill for higher education as a whole.

Perhaps, because I had the dubious privilege of spending the first eleven years of my life in a totalitarian state, I have a strong attachment to freedom. Academic freedom, in turn, I have believed to be a means to a noble end, the pursuit (not proclamation) of truth. When it becomes time to question, as is the draft report and the process leading to it, that truth is being pursued, then this freedom is itself either meaningless, or at least in danger. To me, this is where the matter stands, where I stand, and I fear for the future of freedom.

Please circulate this letter with the AAUP ad hoc Investigating Committee Report and it should also be published in the AAUP Bulletin when the report is published.

Sincerely,

Walter C. Kaufman
Professor of Sociology

cc: Dr. Bertram Davis, Professor Walter Adams, Professor David Fellman, Professor Sherman David Spector, Professor Julius Wishner, Professor Ralph Brown, Dr. Merle F. Allshouse

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 1, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Dr. Kurland:

My surprise upon reading the report on Bloomfield College from the AAUP Investigating Committee was partly due to being not consulted by that committee or anyone else connected with the AAUP, even though my membership on the Faculty Council and the Commission to Review Tenure and Retirement Policy - two groups integrally involved with the changes at Bloomfield College - made me one of the most extensively and directly involved faculty members in the events referred to in that report. Since I was never asked ~~to~~ give any input to this report, either directly through the AAUP Office or informally through the investigating committee or even other colleagues in the local AAUP chapter, it would seem appropriate that I have this chance. Attaching this letter to that report or any further drafts of it would be an acceptable manner of furthering the investigative function charged to the committee responsible for the report.

My surprise was also due to the report itself. Underlying this lengthy document - a selective chronicle of dates and events which, I hope, discriminating readers will separate from many misleading interpretations - are three important assumptions upon which I would like to comment. They are: (1) It is questionable that financial exigency exists or that change in educational program is necessary at Bloomfield College; (2) Even granted financial exigency and need to change program, the process by which the fifty-four faculty positions were defined by the Faculty Council was at least implicitly designed to exclude certain faculty from employment; and (3) That the Trustees of Bloomfield College, a private educational institution, should maintain terms of faculty employment and tenure supported by the National AAUP even when they are inconsistent with the survival of and goals of the institution for which they have fiduciary responsibility. Let me take these three in order:

(1) The declining enrollment at Bloomfield - due both to nationwide causes and exacerbated by the competition from state schools in New Jersey for the traditional Bloomfield student - created the state of financial exigency which led the Board of Trustees to set the number of full-time

positions at fifty-four. The number fifty-four was based upon enrollment projections provided by H. E. W. and the New Jersey Board of Higher Education. Furthermore, taking the warnings set forth in the Carnegie Commission report and the A. C. C. report on small, private liberal arts colleges, as well as the advice of nationally known educational consultants, the Long Range Planning Commission judged that the only way for a college like Bloomfield to survive in the future was to become "visible," i. e., to become distinctive in quality and innovative in program. To remain an "invisible" college, which would mean to remain basically the the same Bloomfield College as at present, would have been counter to to the warnings and advice concerning survival of colleges such as ours.

(2) The Faculty Council, the executive group of the faculty and elected entirely by the faculty, was designated by the Board of Trustees to define the fifty-four positions. During the lengthy and arduous sessions of the Faculty Council - I was present through every one of them - no faculty member's name was ever mentioned, nor was there any indirect reference to any faculty member or his qualifications. As a matter of fact, I think most of us privately realized how little we knew about the academic backgrounds and specialities of our colleagues - an admission as embarrassing as it is appropriate here. In definingthe fifty-four positions, the Faculty Council worked exclusively on the principles of building a strong educational core for Bloomfield College and preparing ourselves for the new programs to come. I hardly need state, then, that I personally vouch for the integrity in the crucial phase of defining faculty positions.

(3) The Commission to Review Tenure and Retirement, of which I was also a member, recognized the need at Bloomfield to develop a faculty contracting system consistent with its innovative program and the changes which it may undergo in the future, as well as develop safeguards for academic freedom. The traditional tenure system, which entails commitment to virtual career employment after a certain point, could hardly be more justified than a research institute being obliged to retain its experts on oil combustion when it becomes committed to research on nuclear fusion processes. The analogy is, of course, too harsh: the new contracting system enables faculty members to make innovative changes through their contracts and thus initiate as well as be a part of the changes at Bloomfield. We also have the advantage of small size, making the complicated process of negotiating individualized contracts feasible.

I do not know if such a system could work everywhere, but such should depend on the history, circumstances, and goals of a given college or university and not upon the national AAUP interests, which at this point

are hardly directed towards the healthy survival and growing vitality of a college like Bloomfield.

I hope that schools contemplating changes in the traditional tenure policy will be as judicious and careful as I think we have been, for I think changing it could be as unwise at many institutions as I think it was wise here.

Respectfully yours,

James A. Bell

JAB:pkm

cc: Dr. Bertram Davis
Professor Walter Adams
Professor David Fellman
Professor Sherman David Spector
Professor Julius Wishner
Professor Ralph Brown
Dr. Merle F. Allshouse ✓

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 4, 1974

Mr Jordan E. Kurland
Associate General Secretary
American Association of University Professors
Washington, D.C. 20036

Dear Mr Kurland:

I refer to the confidential report of the ad hoc investigating committee appointed by the AAUP to visit Bloomfield College in 1973. Because I was a member of the college's Long Range Planning Commission in 1973 and because I was also chairman of the Faculty Council which issued the March 22 "Report on the Systematic Reduction of Faculty Size Due to Financial Exigency", I take this opportunity to comment on the investigating committee's report. Two principal reasons impel me to do so:

1. The report contains several errors of fact and several more ambiguities;
2. I did not have an original opportunity to talk with the investigating committee when it visited the campus.

I shall confine my remarks to those areas with which my work on the Commission and the Council was most directly concerned. The references at the top of each section that follows relate to relevant paragraphs in the committee's report.

Re. Page 5, Paragraph 3

The Long Range Planning Commission can best be understood in terms of an ad hoc body, appointed at a time of perceived crisis, for the specific purpose of dealing with that crisis. The Commission was never intended to assume or supersede the functions of the Faculty Council. Neither in terms of its framework of reference nor in any other respect did it supplant or prevent the Faculty Council from undertaking its functions. I may add that the practice of appointing specific committees/commissions to undertake specific tasks is a well-established technique used by planners engaged in the governing or administrative process.

I note with dismay the investigating committee's statement that "... critical decisions relating to academic freedom and tenure ... were to be reached by the Faculty Council without benefit of consultation with established committees explicitly responsible for dealing with tenure, faculty welfare and curricular reform." This statement is a complete misrepresentation of what actually occurred: First, the Faculty Council was not empowered to and did not make any decisions. The Council, using its best judgement, made recommendations, not decisions and its report was couched in the form of recommendations, not decisions.

In so doing, the Council believed it was acting properly and in accordance with the Standing Rules of the Faculty Handbook, 1972-73, No. 3,A,a. Secondly, it is on record that the Council consulted with individual members of committees dealing with tenure, faculty welfare and curricular reform seeking their advice and their thinking before issuing its recommendations.

Re. Page 6, Paragraph 2

It seems that the judgement as to what constitutes a financial crisis for a particular institution can best be made by those in possession of all facts, figures and other relevant data and that a statement to the contrary, based on the global perceptions of others not in possession of such facts etc. is no adequate substitute for such a judgement.

Re. Page 7, Paragraph 2

The quasi-mandatory implication of the questionnaire mentioned in this paragraph was subsequently rescinded and it was made clear that the purpose of the questionnaire was to assist the Evaluation Committee in determining which faculty best fitted the 54 positions as defined-such descriptions having been painstakingly worked out after consultation with departmental chairmen, departmental members and the Dean of the College and having as its rationale, the best perceived long-term interests of the college and the students it services.

Re. Page 7, Paragraph 3

Nothing could be more inaccurate or more misleading than the reported statement of the 10 faculty members who visited the Association's office in Washington on March 30 that the 54 defined positions were designed "... to include specific individuals and exclude others."

In the deliberations of the Faculty Council concerning these job descriptions, there existed an operational rule of procedure that individual faculty members were not to be named. In fact, none were named. Instead, the emphasis was on defining positions as these positions were seen as satisfying/representing the long-term needs and interests of students and assisting the institution to function successfully and progressively as a liberal arts college in the field of higher education. The more specific task of evaluating personnel to meet the defined positions was deliberately left to the evaluating committee.

Re Page 18, Paragraph 1

Couched in generalities, this paragraph is dangerously misleading and shows misunderstanding of the process involved in the task of defining the 54 positions. In looking to the future and the development of the college, the Council took the position that not only the image of the college, but also its philosophy and the basic content of some of its programs had to be re-examined and modified in certain areas in order to give the college the best chance for survival. Accordingly, the 54 positions were defined, not " ... as if no faculty existed ... " but, among other things, to make the college

competitively more attractive to prospective students, to measure up to perceived needs in higher education and to place faculty best qualified for a position into such a position.

Unlike the "Substituto Plan" (p. 9 of your report) the Faculty Council's Report discriminated against no one. It stated the required qualifications for a described job and asked the Evaluating Committee to measure actual qualifications against the descriptions. It was well understood in the Council that where qualifications were equal or nearly equal among more than one candidate for one position, that tenure, if it existed, should receive preference for the position.

It is also inaccurate to say that President Allshouse had been responsible for recruiting faculty members since 1971. In a strictly legal sense, of course, he is so responsible. But in an operational sense, it is well established at Bloomfield that in the overwhelming majority of cases, faculty members are recruited through interviews with and interactions among peers in the same field of expertise as that of a prospective candidate and in consultation and agreement with the Dean of the College. Thus, the implied causal relationship (refer to the indicated paragraph in your report) between "... recruitment by President Allshouse ..." on the one hand/"... the extent to which the job descriptions fit the curriculum vitae of new faculty members..." on the other hand is subtly misleading to anyone not conversant with the factual background of the situation.

Re. Page 19, Para-raphs 1 & 2

The Faculty Council had no alternative but to accept the enrollment projections of the administration. As the Council understood it, these projections had been the subject of constant review-almost on a week by week basis-and were independently determined by the staff of the Admissions Office. The Council had no reason to believe that these figures were not/honest professional judgements.

The investigating committee's report does not make it clear whether or not the hiring of 12 new full-time and 23 part-time faculty since the spring of 1973 was intended to provide a proportion of the 54 full-time faculty who were to provide the faculty complement beginning fiscal 1974. An understanding of this is basic to an understanding of what the Long Range Planning Commission sought to accomplish and what the Faculty Council Report recommended. Another basic fact to be kept in mind was the acceptance of an operating deficit by the college for fiscal 1973. On the other hand, the projected changes for fiscal 1974 were based on the need to reduce or wipe out such a deficit.

It may well be that my comments and observations will not influence the basic conclusions reached by the committee. I would have been remiss, however had I not availed myself of this opportunity to identify some of those areas which contain factual errors and which, no doubt, have been used as the bases for subsequent findings and conclusions.

Sincerely,

Earle Sealy

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 7, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D.C. 20036

Dear Dr. Kurland:

As a member of both the Faculty Council and the ad hoc Evaluation Committee, I was asked to read and comment on the report of the AAUP's ad hoc investigating committee. There are a number of places that the report and my perception of the events which occured during 1972-73 differ. To discuss all of them would be far too time consuming. Accordingly, my comments will primarily be directed toward those events which pertain to the Faculty Council and the Evaluation Committee which, in my view, are presented in a distorted or incomplete fashion.

In the report, the Faculty Council is repeatedly rebuked for not demanding that the administration demonstrate its claim of financial exigency. I know of no requirement which states that this must be proved to a faculty committee. When the Council, in February 1973, received its charge to develop a plan for the systematic reduction of the faculty from the Long Range Planning Commission, the Commission made it clear that it had studied enrollment projection, the budget, and the general financial position of the College and now feared that the College was moving into a position of financial crisis. Further, throughout the months of November and December 1972 and January 1973, the President, in his report at monthly faculty meetings, warned of serious declines in applications for the year 1973-74. I might add that when I tried to inform the AAUP investigating committee of these facts, I was cut off and told that no such information existed. The committee, or at least one member, seemed quite closed minded about this. In the end, financial exigency (a nebulous term which needs more precise definition) can only be determined by those who have all the data - the Board of Trustees. The Council was informed that the Board of Trustees had determined a state of financial exigency and that they would fund only 54 faculty positions for the year 1974-75. We proceeded to allocate those positions to various departments in order to give us the best possible disciplinary coverage.

The report further claims that the position of financial exigency is weakened by the fact that although 13 full-time faculty were dismissed, 12 new full-time faculty were hired. If this was the entire truth, I would agree with the report. However, what the report does not say is that the 12 new people were hired to replace members of the faculty who did not return due to resignations, deaths, retirements and termination decisions reached the previous year.

The report is also vague on the paper authored by Dean Nodder which was sent to the Long Range Planning Commission and found its way, in a revised form, to the Faculty Council. The report implies that this was an administrative document expressing the views of only the Dean. This is false. In an effort to write preliminary job descriptions, the Dean sought the advice and expertise of all department chairmen, other selected faculty, and outside consultants. In all, he incorporated the ideas of about one-half of Bloomfield's Faculty in his report. The paper he ultimately presented to the Long Range Planning Commission represented about two months of such consultation.

When this paper reached the Faculty Council it was clear that these descriptions were preliminary in nature and we even discussed rejecting them in toto. It should be clear that the Council did not rubber stamp this report. We, after considerable discussion within the Council, sought to obtain even fuller faculty participation. After releasing the report in part (each department chairman was sent job descriptions for his department and asked to distribute them to his department), the Council made itself available to all faculty for additional input. The report was not released in full because, in light of the paucity of positions, the Council felt it would increase inter-departmental tensions. The Council's report, the March 22 report, shows that numerous changes were made. For example, faculty allocation was altered in Fine Arts (resulting in the determination of one of the 13 people eventually terminated since the position was no longer to be funded) and in History.

The Faculty Council, according to the Faculty By-Laws, is the executive committee of the faculty. I feel that the claim that the Council had assumed policy making powers is not justifiable. Rather than making policy, the Council was representing the faculty in dealing with a unique situation for which one hopes formal policy will never be necessary.

My final comment deals with the ad hoc Evaluation Committee. As a member of this Committee, I feel that the Committee has been subjected to a great deal of unwarranted criticism. It was criticized because 3 of the 5 members were non-tenured. Yet at most institutions it would have been weighted toward tenure (in terms of years of service, committee members had served 11, 6, 5, and 2 years at Bloomfield.) Bloomfield's probationary period is 7 years. It was criticized because it was appointed by the Council and not elected by the Faculty. The Council felt that the tenure, non-tenure disciplinary balance needed for a committee with such a difficult task could not be achieved in a politically polarized faculty meeting. It should also be noted that the tenure, non-tenure balance of this committee approximates the balance with respect to tenure of the faculty in general. The local AAUP leaders who were most critical of this committee on the grounds that it was undemocratic then proceeded to exclude 2 elected members of the local AAUP executive committee because they did not agree with local AAUP tactics. I was one of the people excluded from these executive meetings when key issues were discussed. Further, when new elections were held, the local AAUP President expressed a need for an expanded executive committee. How were the new members selected? Simple, he appointed the ones he wanted! Why? Because the AAUP President said a more representative committee could be obtained through his appointments than through an election.

The task of reducing the size of a faculty is indeed an unpleasant one. The procedure used here at Bloomfield was the one which, in my opinion, will assure the strongest faculty capable of providing the best education for Bloomfield's students.

Sincerely,

M. A. Schiro

M. A. Schiro
Assistant Professor of Mathematics

MS:st

cc: Dr. Bertram Davis
Professor Walter Adams
Professor David Fellman
Professor Sherman David Spector
Professor Julius Wishner
Professor Ralph Brown
Dr. Merle F. Allshouse

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 5, 1974

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Dr. Kurland:

I have read the report of the Investigating Committee regarding Bloomfield College in the light of your cover letter to Dean Nodder of January 17, 1974, inviting concerned parties to offer corrections or comments by February 7, 1974.

Since I was one of those interviewed by the Investigating Committee in July, 1973 and Chairman of the ad hoc Evaluation Committee whose work is alluded to several times in the first twenty pages, I feel obliged to make these observations.

1. The report of the Investigating Committee addresses itself to two separate and distinct issues. One of these is the due process involved in the termination of the "Bloomfield thirteen" in 1973. The other is the blanket abolition of tenure. I write only in response to the first issue. The abolition of tenure was a separate action by the Board of Trustees of Bloomfield College and was in no way related to the work of our ad hoc Evaluation Committee.

2. Whereas it was my experience in the July interview with the Investigating Committee that more time was spent by the committee in trying to convince me that the administration had flagrantly violated AAUP Guidelines than in fact-finding, I do believe that certain facts need careful elaboration because some sweeping statements in their report do not do justice to the due process that I believe was followed under conditions of financial exigency.

    a. As Chairman of the ad hoc Evaluation Committee, I was and still am convinced that financial exigency does in fact exist. This conviction is clear to me because of the projected drop in enrollments that had been predicted for two years by the President of the College and had been reported by him to the faculty at various times. Further, I have not only seenenrollments drop, but I am now convinced that we are facing a more serious drop

in enrollments in the next several years and that may cause a further drop in income. In my mind, financial exigency exists when students are not present to support the operating programs and there are no other sources of income to offset the loss of tuition income.

Those who look to the Knoll property as a multimillion dollar asset which can cure all of our financial problems are deluding themselves concerning the amount that could be realized through liquidation. Even the liquidation of the Knoll could not insure the survival of the College for long and would most assuredly take away one of the most viable alternatives for the future. It is unreasonable to expect that the College could keep the same number of faculty in the light of declining enrollment.

b. Whereas I was fully aware that tenure rights could not be abrogated under normal conditions, I operated by my conviction that financial exigency did in fact exist. Under these conditions I believed that a due process could be executed in which the College could seek to improve its viability and give preference to tenure, but not to keep on tenured faculty if their services were no longer needed. According to what I read in AAUP documents this did not seem to violate the guidelines. I further believe that the whole committee shared this philosophy. We acted according to the charge given us in the March 22, 1973 Faculty Council document, "Report of the Faculty Council on a Plan for the Systematic Reduction of Faculty Size due to Financial Exigency."

I believe that the Faculty Council outlined a careful due process to which the entire faculty was subject. Our actions followed hours of deliberation by the Faculty Council on fifty-four job descriptions. We in no way made recommendations for terminations. I quote the following from the charge which was, to the best of my knowledge, followed to the letter.

> "The evaluations by the committee are to be submitted to the Dean of the College, who will in turn submit recommendations to the President, the ultimate responsibility for decisions being lodged with the Board of Trustees." (P. 31)

It was here our responsibility ended. Any further actions were independent of our committee's work except insofar as our evaluations were considered by the Dean. To reemphasize our committee's work was predicated only on financial

exigency, we submitted our evaluations as charged to the Dean on May 10, 1973, and it was done in accordance with the charge.

The above comments are meant to clarify an arduous due process that I believed occurred based on financial exigency. Pages 7 and 10 do not seem to appreciate this fully.

3. On page 18, it is written that the ad hoc committee was composed of "five members, three of whom were Faculty Council and three of whom were untenured." I was neither. I am now in my twelth year at the Institution, I was tenured, and I have learned that one of the reasons I was appointed was because I was Chairman of Tenure and Faculty Advancement from which the Faculty Council sought representation in the form of two persons.

4. On page 19, it says that "in some cases, those dismissed had been assigned higher fit ratings than those who were retained." The full meaning of this is clear only by a careful study of all fifty-four ratings, area by area, in terms of the numbers of persons being considered in each position. There were situations when one or more persons had to be considered for the same position and a person with "good fit" would be preferred to a "fair fit," although that person would not have been among the 13 given lowest ratings by the committee. Even a person given a "good fit" could be terminated in competition with "excellent fits" if his qualifications are suited to only one defined position.

   After we submitted our evaluations to the Dean on May 10, 1973, he met with us, discussed the evaluations in general and requested specific further information.

   In light of this, as categorically stated the statement on page 19 is misleading.

I believe that the foregoing comments must be made if the role of the ad hoc Evaluation Committee is to be clarified. This is a necessary correction to the distorted picture presented by the AAUP Investigating Committee.

I request that this letter be circulated with the Report of the AAUP ad hoc Investigating Committee and that it be published in the AAUP Bulletin when the report is published.

Sincerely yours,

Norman F. Pease

Norman F. Pease
Professor of Psychology

cc: Dr. Bertram Davis, Professor Walter Adams, Professor David Fellman, Professor Sherman David Spector, Professor Julius Wishner, Professor Ralph Brown and Dr. Merle F. Allshouse

February 6, 1974

Mr. Jordan E. Kurland
American Association of University Professors
One Dupont Circle - Suite 500
Washington, D. C. 20036

Dear Mr. Kurland:

The report of Committee A on the situation at Bloomfield College is both shocking and depressing. It is shocking because of its inaccuracies in reporting and depressing in the meanness of its vision.

This Committee arrived on the Bloomfield Campus under the guise of an impartial group of disinterested colleagues intent upon reviewing the events that had taken place on campus. The mantle of objectivity was already stained by the prior decision of the A.A.U.P. to take legal action against the College. Given this curious sequence of actions, one is entitled to inquire as to the purpose of the "investigating" committee in the first place. As a witness before the Committee, I was dismayed by its personal attacks upon the President of the College, its tendency to wallow in the flimsiest of rumors and the obvious conclusions the Committee had reached prior to its arrival on the campus. That these features have found their way into the Committee "report" occasions regret, rather than surprise, that reputable scholars would lend their efforts to such a blatant distortion.

Throughout this report as well as the statements and actions of the local A.A.U.P. at Bloomfield, there is virtually no discussion of the central mission of any faculty: to teach students. Is there no faculty obligation to participate in meaningful program development? Must faculty members choose between personal security and academic excellence? How does a small college like Bloomfield survive in a new educational environment? The stock answer of the local A.A.U.P. has been that tenure is a type of universal solvent that washes our problems away even if it cleanses none of them. For the few that have it, tenure is not without its attractions. For the rest, it is a singular advantage that other people have. And should a college fail, even this hoary institution cannot protect its supporters.

If the primary purpose of the A.A.U.P. is to preserve tenure, then younger faculty members may well want to ask if their continued support of this organization is consistent with their own academic freedom and aspirations as well as with their own personal interests.

Sincerely yours,

Paul Bernstein
Associate Professor
Department of Political Science

P/B:ef

cc: Dr. Stanley Nodder
President Merle Allshouse

BLOOMFIELD COLLEGE, Bloomfield, New Jersey 07003 □ (201) 748-9000

February 7, 1974

Dr. Jordan Kurland
Associate General Secretary
American Assn. of University Professors
One Dupont Circle, Suite 500
Washington D. C. 20036

Dear Sir:

As Dean of Students, a college officer, and a voting member of the Bloomfield College faculty, I requested and received permission to review the AAUP case against the College administration and, particularly, Merle Allshouse. Since I was a member of the Long Range Planning Committee and the subsequent Steering Committee, privy to the President's weekly cabinet meetings and present through most faculty meetings, Board meetings and numerous other meetings, I feel qualified to react. Not being involved with faculty in the negotiations, however, I have viewed developments from a different vantage point and may offer a more objective perspective.

As a student of higher education familiar with the predictions of Alan Cartter, the Carnegie Report on "invisible colleges" and other such forecasts, I was not surprised when the federal cutbacks and falling student enrollments in "72-'73 pointed to a crisis of long range significance in higher education. President Allshouse used modern techniques for projections and began, only a few months or perhaps a year, ahead of other presidents of colleges like Bloomfield, to try to face hard realities and move bravely to forestall the demise of the College. His inordinate efforts to follow due process earned my admiration and his refusal to respond in kind to personal vilification was almost beyond belief. Watching the entire process, I have been convinced that the President and the Dean did everything in their power to proceed honorably and equitably in their efforts to save the college. Contrary to trying to destroy the rights of a few tenured teachers, they have fought desperately to develop a system that will allow a college to continue. Unless they succeed, there will be no jobs at all.

Although I had never doubted that the AAUP would censure the College for an action which attacks the organization's power base, I did have respect for the AAUP founding principles and was not prepared, therefore, for the distortion of facts and cavalier treatment of truth which your "case" reveals. There is scarcely a paragraph that does not omit vital information in order to twist the truth into a false implication. In addition, you have so ignored realities in higher education, known to most of us and certainly to you, as

to confirm the suspicions academia, and the public, may have as to your motives.

When you reach the section in your case in which you attempt to deal with President Allshouse's "views," you do so mainly by simple assertions that he is wrong. Where in the document did you present any rational argument or assemble evidence to disprove his statements? Instead, you resorted primarily to personal attack on Allshouse. Again, the reason why is obvious. Does your national membership know you are financing the attempt to send to prison a president, who, right or wrong, is trying to rescue his institution from extinction? Do you expect criminal prosecution when you undertake to do your professional duty?

Since you are so personal in your efforts to place blame for the Bloomfield agony on the President, why have you not been responsible enough to look into the personal motives of your clients, leading members of the local AAUP chapter? Did you interview any of the people who could testify to the threats of these individuals to destroy Merle Allshouse when he was elected President of the College three years ago? It is and has been common knowledge among students, staff and faculty that a certain coalition has been out to "bring Merle down with the College" since last January. Have you been told of Ed Robinson's personal ambitions and how they were thwarted by President Allshouse? Did you bother to find out the degree to which a personal vendetta has figured into the tragedy at Bloomfield? If anything, you seem to have joined it and, one suspects, for similar self-serving reasons.

Where in your document does one find any concern for the students who have and are attending this institution? I could find none. In fact, through this whole miserable process the only expression of student needs appears in President Allshouse's statements. Instead, it seems clear that you could not care less what happens to a college, its students, its personnel, as long as you protect your vested interests. You know the handwriting is on the wall and that a security system more viable than traditional tenure is required. You will fight of course to preserve your power as long as possible. One expects that but I, for one, did not expect you to stoop to a cursory, heavily biased "investigation," unscrupulous misrepresentation of facts and an incredible ad hominem attack. I am deeply disappointed in your representation of my profession.

I hereby request that my letter be attached to the report of the Investigating Committee.

Most sincerely yours,

Martha McGinty Stodt
Dean of Students

J. On September 18, 1973 Dr. Kurland met with the Commission on Higher Education of the Middle States Association. In a letter of September 24, 1973 to the Chairman of the Commission, President Elizabeth McCormack, Dr. Kurland stated:

> "...Pursuant to our discussion, and in order to provide you and Harry Porter with a more detailed understanding of the kinds of academic issues presented to us by the actions of last June at Bloomfield and of the kinds of written material examined by the AAUP ad hoc investigating committee prior to its visit to the College, I am enclosing salient portions of the advisory briefing furnished to the committee: a summary of the factual background; a discussion of issues for consideration; and lists of documentation both internal to the College and between the College and AAUP. Also enclosed is a copy of the centra l document, the minutes of the June 21, 1973, meeting of the Board of Trustees. If you would like to see any or all of the other listed documents, I shall be glad to provide them. I am enclosing page proof of a statement on Bloomfield appearing in our September AAUP Bulletin, which will be going into the mails next week. When we have a report on our Bloomfield investigation ready for distribution, I shall plan to send you a copy.
>
> "...During my remarks, I used the St. John's University situation of the mid-1960's as an analogy to Bloomfield, and I hope now that you will consider, as you did with regard to St. John's, issuing an order to the administration of Bloomfield College to show cause why its accreditation should not be revoked. The crisis in 1965 and 1966 at St. John's University was, I appreciate, of a greater magnitude in terms of the sheer public pressures which were generated, what with the size of the institution, the New York City location, and the issues raised relating to the Church, the union, strikes, etc. In terms of the academic issues, I think it can fairly be stated that the June, 1973 actions at Bloomfield constitue a yet greater affront to acceptable academic norms than did the December 1965 actions at St. John's. The November, 1966 Middle States show-cause order relating to St. John's (a copy is enclosed for your convenience) rightfully denounces the actions taken against the 21 professors in relieving them of all duties without filing charges against them. The actions at Bloomfield against the 13 were essentially the same, and without any suggestion thatthe administration or the Board believed, as reportedly the St. John's Board did, that

such summary and drastic action was the only way to prevent destruction, riots, and bloodshed. Moreover, the actions at St. John's University were followed quite rapidly by the adoption of sound policies relating to tenure and due process, while the Bloomfield Board has done away with tenure and, indeed, has placed the entire faculty on terminal notice. Apart from the matter of the injury already inflicted upon nearly 20 percent of the Bloomfield faculty, I do not believe that the actions taken against the remaining faculty, if allowed to stand uncorrected, can help but result in a major deterioration of the educational effectiveness of Bloomfield College.

"If you think that it would be useful to have further information discussions on Bloomfield, I should be happy to come up to the New York area again for that purpose. Perhaps we could have a small session with you and me and Martin Lapidus and Harry Porter. Martin suggests that his office in midtown Manhattan is centrally located if you and Harry would like to come in from Purchase and Newark. Do let me know if this interests you, or if you would like to see additional Bloomfield material. I am, in any event, keenly interested in your response to the proposal that the Commission now consider issuance to Bloomfield of an order to show cause."

This representation on September 18 was made without the knowledge of any member of the Bloomfield College Board, administration or faculty, including the president of the local AAUP Chapter. The "small session" to which Dr. Kurland refers has no semblance whatsoever to any form of academic due process and, as far as we know, would not have included any representative from Bloomfield College. After the Chapter president was apprised of Dr. Kurland's actions, no report was made to the Chapter either by its officers or the national staff.

K. On November 1 I requested that Dr. Davis "provide me with whatever details are available to you regarding the incident in which representation was made on behalf of the American Association of University Professors to the Middle States Association relative to the accreditation status of Bloomfield College."

L. On November 2 Dr. Kurland replied that "It happens that the Association's staff entered into communication with the Commission on Higher Education of the Middle States Association on the matter of Bloomfield College at the invitation of the Chairman of the Commission."

M. On November 7 Dr. Davis wrote, "Jordan Kurland, in his letter to you of November 2, seems to have replied to questions similar to those you have raised in your letter to me. I do not believe that I have anything to add to Jordan's reply."

N. On November 26 Dr. Davis wrote the following in response to my request of November 14 for further clarification of the AAUP's role in initiating representation before the Commission:

> "I find no impropriety at all in our communicating with the regional accrediting commissions in furtherance of valid academic interests as set forth in AAUP's statement on The Role of the Faculty in the Accrediting of Colleges and Universities. For just about as long as I can recall, we have exchanged views, sometimes of a confidential nature, with the Middle States and other regional accrediting commissions about matters affecting institutions in their regions, and I think that the relationships we have had with the accrediting associations have been advantageous not merely mutually but, more particularly, to individual institutions and areas. This is not a question, I should add, of our using the accrediting agencies as 'a lever for the purposes of the A.A.U.P.:' our organizations have certain interests in common, and it seems to me desirable that, when feasible, we try to further them together.
>
> "In a given situation, an accrediting commission may wish to approach an administration about a question raised by our Association, and, as part of its approach, to make any correspondence we may have had with it available to the concerned administration. This seems to us a reasonable procedure, and our correspondence with the accrediting commissions is therefore conducted with the understanding that the chairmen or executive secretaries of the various commissions are free to share our correspondence with the institutional administrations."

O. On November 27 I received a letter from President McCormack in which she stated:

> "I had occasion to meet with Mr. Martin Lapidus of the AAUP on August 15, 1973 concerning a matter unrelated to Bloomfield College. Following the business of our meeting and during the course of an informal chat, I remarked to Mr. Lapidus that it was probably unfortunate the Middle States and the AAUP were not exercising their good offices in an effort to compose the controversy at Bloomfield....I likewise want to make it clear that I did not know at the time of the meeting with Mr. Lapidus that the AAUP represented the Bloomfield faculty for the purpose of collective bargaining.
>
> "As you know, we then did meet with Jordan E. Kurland and Martin Lapidus. I learned at the beginning of that meeting that the AAUP is the bargaining agent at Bloomfield. We therefore made it clear at the outset of the meeting that we could not and would not discuss Bloomfield College. What did happen was that we listened to the AAUP representatives. We took no position and we made no substantive comments. We said nothing from which one might even infer an attitude.
>
> "Unless I am advised to the contrary by legal counsel, I fail to see how the Middle States Association can communicate or engage in colloquies with labor unions concerning the conditions of employment on any campus whereon the union is a bargaining agent."

P. On December 7 I received a copy of a letter from Dr. Harry Porter, Executive Secretary of the Commission on Higher Education of the Middle States Association, to Dr. Kurland of November 1, 1973. Dr. Porter made the following points in his letter to Dr. Kurland:

> "We found our meeting helpful in enabling us to understand better the AAUP positions in relation to Bloomfield and to some broader tenure issues. We do not, however, share your views on what might be appropriate Higher Education Commission action.
>
> "Our concern, as you know, must of necessity center on educational quality and the effectiveness of an institution's service to its students. These have many ramifications, of course, and many forces impinge upon them; but quality and effectiveness of the educational process still must be our central interest.
>
> "We shall surely watch developments at Bloomfield and at other institutions facing comparable or related problems with concern. However, we have no reason to believe, at this point, that the educational effectiveness of any of these colleges has been so seriously undermined or jeopardized as to warrant the action which you suggest.
>
> "You cited the St. John's University case in your letter as reflecting a possibly parallel situation. The Committee feels that despite certain elements of similarity the situations are in fact quite different."

Q. On December 3 I wrote to Dr. Davis :

"First, in reference to the initiative taken by Jordan Kurland to discuss current issues at Bloomfield College with the Commission on Higher Education you say, 'it seems to me of very little consequence where the initiative for the conference or the correspondence arose.' I believe for the sake of dur process within the community of higher education it is of major importance to determine where the initiative arose. Both because the Washington office of the AAUP has committed funds to support the litigation currently filed against the College by the local Chapter and also because the AAUP is the recognized faculty's collective bargaining agent, it is quite inappropriate for you, unilaterally, to make a representation before the Commission without the presence of a representative from the College's Board or administration...

"Secondly, you state that there is no impropriety in communicating 'with the regional accrediting commission for furtherance of valid academic interests as set forth in the AAUP's statement on The Role of the Faculty in the Accrediting of Colleges.' Assuming that you are correct, as I understand from Jordan Kurland's letter of September 24, the subject of his discussion had nothing to do with that particular statement of the AAUP. In fact, both in terms of the development of our plan for reducing the size of the faculty and also in the establishment of our Evaluation and Long Range Planning Steering Committee in preparation for our Middle States review, the faculty clearly has a dominant role in the evaluation process. I hasten to add, as surely you know, it was the Faculty Council, the largest elected, most representative body of our faculty, which in fact prepared the March 22 document which defined the new academic structure and the 54 academic positions last spring...

"...I find it a bit arrogant on your part to assume that there is something wrong with the formation of our Evaluation and Long Range Planning Steering Committee before you have even discussed the matter with any representative of the College. Even more difficult for me to understand is the fact that Jordan Kurland did not have any contact with the President or any member of our local AAUP Chapter prior to his presentation before the Commission. This action on the part of the AAUP seems in direct violation of its own statement on 'The Role of the Faculty in the Accrediting of Colleges and Universities.' If that statement has any credance whatsoever you should not only have the courtesy but also the obligation to keep members of our faculty informed of your actions and activities.

"Thirdly,you suggest that the kind of relationships which the AAUP has had with Middle States and other regional accrediting commissions are 'advantageous not merely mutually, more particularly, to individual institutions and areas.' Frankly I fail to see how direct representation, without any communication with either the College's administration, Board, or members of the faculty regarding the potential removal of accreditation status from the College in any way whatsoever could work to the advantage of Bloomfield College or any other institution in similar difficulty. In short I find your assertion at best is self-serving. Indeed, the interests of the national AAUP may be served well by collaboration with regional accrediting associations, particularly if they could be persuaded to bring political or other pressure to bear upon an institution for whom you are the collective bargaining agent and also involved in litigation. How such action would serve the interests of a given institution or higher education is simply beyond my understanding or imagination. Furthermore, in this case you have chosen the courts as your primary arena for resolving grievances with Bloomfield College. By even attempting to solicit the support of the Commission on Higher Education in the Middle States Association, you implicitly suggested that they should be brought in as a co-plaintiff in the civil suit. I think it was most unfair of the AAUP not to make clear its position in initial discussions with the Chairman of the Commission on Higher Education.

"Fourthly, you suggest that your correspondence with the accrediting Commission is written in such a manner that you would assume that executive secretaries of the Commission and various Commission chairmen would be free to share your correspondence with individual administrators. This is indeed a generous gesture; however, would it not be more direct and helpful if you communicated directly with the institutions, particularly when such vital matters as possible removal accreditation are involved?..."

III. Issues and findings relating to the dismissal of the thirteen faculty members

A. It is asserted that, "The thirteen included one of the most respected members of the faculty who, only a few months earlier, had received a citation from the president for his distinguished service of twenty-five years' duration to the College...." The facts are:

1. Professor Samuel Haas was offered in June the position of Research Professor and Librarian, effective July 1, 1974, upon his successful completion of a graduate program in Library Science which he is undertaking this year.

2. We will continue to retain previously tenured or non-tenured faculty who have been dismissed due to financial exigency if positions are open for which the faculty members are suitably qualified.

IV. Issues and findings relating to the abolition of tenure

A. It is asserted, in reference to my views relative to tenure, academic freedom and teaching-learning contract, "the investigating committee finds these views unacceptable..."

The use of the term "unacceptable" is tragically revealing. What has happened to the AAUP's belief in academic freedom and the pursuit of truth? No counter arguments or reasons are given; rather, my views are simply "unacceptable." It is as though I have not passed a doctrinal test. How can a person or institution claim to believe in academic freedom and not let their own assumptions be questioned, much less realize the limitations and finitude of our most cherished beliefs? Could it be that I am being tried for academic heresy?

Section III. What is reported in a misleading manner

I. Introduction

A. The paragraphs dealing with the College's history are a random selection of items from the College catalog. No attention is given to the struggle for survival which characterized the Seminary's history prior to the final decision in 1959 to end its relation with the Council on Theological Education and the events under which the College began the decade of the sixties with 386 students. A careful reading of Harry Taylor's Centennial History: Bloomfield College, The First Century 1868-1968 would quickly put the ever-present financial crisis of this institution into proper perspective.

B. It is asserted that, During 1972-73 faculty appointed since 1971 "held vital posts on important faculty committees." The fact is that of eleven standing committees of the faculty, seven were chaired by faculty appointed prior to 1969.

C. It is reported that I was appointed President in 1971 -- "the fourth change in the presidency since 1959." While this may give the impression of instability, it should be remembered that Dr. Lester Clee was appointed as Acting President in 1959 to serve the College at a very difficult and critical time when he was terminally ill.

II. The events of the 1972-73 academic year

A. It is asserted that, "The accreditation team which visited the College in March, 1970 found that the faculty was dedicated to teaching and concern for students." In fact, the language of the Middle States Association Evaluation Report reads, "Prominent features were the faculty's dedication to teaching and the concern for students. This dedication and concern may in part reflect the ministering posture of the theological faculty which has been absorbed into the faculty and administration of Bloomfield College."

B. Referring to the Middle States Evaluation Report, it is asserted, "Also noted was indication in the budget for the 1970-71 academic year that administrative expenses would amount to as much as 29% of the General and Educational Budget. An examination of such large administrative expenditures was urged...." In fact, the actual report reads as follows:

> "Analysis of the 1969-70 and 1970-71 budgets seems to indicate that administrative expenses run a high 28-29% of the General and Educational Budget. This may not be a fair reflection of actual conditions: credits for teaching time for administrative officers may not be deducted; overlap may be occurring as a new administration phases out and initiates; certain accounts may be charged to administration which elsewhere might be differently handled."

In 1971-72 a program planning budget system was initiated and it was discovered that numerous items charged to administrative expenses should have been ledgered as General and Educational. Furthermore, it should be noted that the most definitive study done on budget analysis of small liberal arts colleges, The Golden Years, by Hans H. Jenny, indicates that for the average liberal arts college a figure of 30% represents a reasonable proportion between administrative and general and educational expenses.

C. It is asserted that, "President Allshouse addressed the faculty on September 13, 1972 on the crisis facing liberal arts colleges but a month later he revealed at a faculty meeting that Bloomfield College had concluded its third consecutive year with a balanced budget, and that its worth was now over twelve million dollars." The facts are:

1. The 1971-72 annual report issued in October 1972 contained a full balance sheet record and five- and ten-year comparison charts from which the following points are self-evident:

   a. While total assets at the end of 1971-72 were $12,103,802, the operating budget was $3,500,330 compared with 1961-62 assets of $2,544,677 and an operating budget of $699,360. An analysis of the relationship between the operating budget and total assets reflected a slightly negative trend over the decade -- indeed not an encouraging picture.

   b. Also in the 1971-72 annual report it was noted that (1) over a five-year period the percentage of annual income dependent upon tuition had risen from 66.6% to 74.3% and (2) tuition increased 42% over a five-year period.

D. It is asserted that, "Requests from faculty members that the February 14 report of the Long Range Planning Commission to the Faculty Council be made available to the faculty as a whole went unheeded..." The facts are:

1. The Long Range Planning Commission decided that in order to minimize the sense of panic and misunderstanding generated when drafts-in-progress of sensitive documents are distributed, it would work within the professional bounds of confidentiality. The February 14 document forwarded to the Faculty Council was merely a draft, and to underscore the non-legislative character of the Long Range Planning Commission, I explicitly informed the Faculty Council that they, and they alone, would have to establish and be accountable for the degree of confidentiality with which they desired to proceed.

2. Professor Robinson was upset because the Faculty Council democratically decided not to take his advice and distribute the draft document. Do the authors of the AAUP report seriously believe that the faculty's executive committee was wrong when by its own democratic due process it did not heed the request of the AAUP Chapter president? There was simply an honest disagreement between a majority of the Faculty Council and Professor Robinson. But the report does not give reasons why Professor Robinson's request should have been granted by the Faculty Council.

E. It is asserted that, "Relative to Dr. Kurland's visit to Bloomfield College of April 4, 1973, after some reluctance, President Allshouse and Dean Nodder agreed to meet with him on the morning of April 4. The Associate General Secretary also arranged to report to the open meeting of the AAUP Chapter, called by Professor Robinson for the noon hour on that day." The facts are:

1. While we would never in any way seek to restrict Dr. Kurland's speaking activities at Bloomfield College, we were eager to understand his intentions, since he claimed not to have been invited by the AAUP Chapter and sought administrative endorsement for his visit. Therefore, on April 2 Dean Nodder sent Dr. Kurland the following letter:

"Thank you for your phone call on Friday requesting a meeting with Merle Allshouse, Walter Kaufman, Ed Robinson and myself for sometime early next week. I am happy that we were able to arrange such a meeting for Wednesday, April 4th, at 11:00 a.m., in the President's Office.

It is our understanding that you are coming in response to several calls made recently by members of our faculty and as a result of a general invitation to visit our campus sometime, made when the four of us from Bloomfield visited in Washington several months ago. It is important to clarify the reason for your visit since you request the opportunity to come to the campus on the day of a faculty meeting, or the day preceding it, in which there is likelihood that delicate issues will be raised. Your presence and whatever you say could be misinterpreted later if we do not clarify it in writing now. To summarize, you are coming at this time neither at the specific invitation of the administration or the Bloomfield Chapter of the AAUP, and you are coming to discuss Long Range Planning, not to be involved in current political issues being debated by our faculty.

I hope that you will not misinterpret our desire to clarify the reason for your visit at this time as anything less than a welcome to you; however, as you can understand, the very presence of a representative from the Washington AAUP office just prior to a delicate faculty meeting will be interpreted from a wide variety of assumptions and perspectives and may well become an implicit, if not explicit, factor in our internal governance process. We look forward to meeting with you on Wednesday morning and I trust that others with whom you meet during your visit will share in making your visit a pleasant one."

F. It is asserted that, "At its meeting on April 4, the general faculty voted by 40 to 30 (with a few administrative officers voting) to repudiate the March 22 report of the Faculty Council." The facts are:

1. Dr. Kurland, according to reports from members of the faculty, urged adoption of a Substitute Plan at a special meeting of the AAUP Chapter just one half-hour prior to the faculty meeting, and did so in such a manner that many felt it constituted intervention into the internal due process and political life of Bloomfield's faculty. On April 10 I formally complained to Dr. Kurland; an excerpt of that letter follows.

> "Reports reaching me from the meeting of the Bloomfield Chapter of the AAUP last Wednesday, before our regular April faculty meeting, tend to confirm our apprehension, stated in Dean Nodder's letter to you of April 2, that your presence on the campus that day would become an implicit, if not explicit, factor in our internal governance process. For that reason we hoped that you would choose to come any time following the meeting of the faculty, since I am sure you would not want to put the national office in the position of influencing political decisions before our faculty. Because Stan and I were not invited to the meeting, we cannot make judgments from first-hand knowledge, but a number of faculty members have spoken of the role you played in securing support for a resolution which was introduced at the faculty meeting immediately following the AAUP Chapter meeting. Some of our faculty members applauded your efforts; others objected to them.
>
> "While Stan and I are always grateful for the opportunity to confer with you, either in Washington or Bloomfield, and we respect your relationship to our local Chapter, its members and officers, we do think that your visit was unfortunately untimely and your alleged role over-political, if accurately reported to us. At Bloomfield and, to my best knowledge, throughout the country, the AAUP has neither official nor unofficial status in a college governance system, and the politicalization of the AAUP as a caucus to present resolutions at a faculty meeting and to secure a sufficient number of votes to effectively predetermine the outcome of a vote at the faculty meeting raises serious questions as to the possible violation of the rights of those who are not members of the AAUP. Perhaps you were under

enormous pressure by the President of our Chapter and members of the faculty to address the AAUP Chapter just prior to our faculty meeting. If that is the case, I do wish you had taken more seriously the apprehension which Stan raised to you in his letter. Furthermore, I fear that a dangerous precedent may have been set. If the AAUP with a majority voting bloc can introduce resoslutions which do not appear on the agenda (which happened Wednesday) and effectively predetermine the outcome of a vote on any issue by meeting prior to the faculty meeting, then what appears as an open faculty democracy has been turned into a charade of a one-party system. Should that occur again, then certainly the presence of an AAUP national or regional official prior to a meeting of the faculty would be a major political issue."

2. While the impression may be given that administrative officers were illegally voting, the fact is that the 1972-73 Bylaws of the Faculty define the faculty as follows: "The Faculty shall consist of the President, the Dean of the College, all full-time members of the teaching staff, the Dean of Students, the Registrar, the Director of Admissions, the Director of Continuing Education, the Librarian, other full-time professional librarians, and such part-time members of the teaching staff as may be designated by the President." Therefore, it is certainly not a violation of due process for"a few administrative officers" to vote.

G. It is asserted that, "President Allshouse rejected the Substitute Plan, and he proceeded to inform Professor Robinson, President of the AAUP Chapter and a leader of the opposition to the administration-backed plans, that the latter's continued membership on decision-making committees would be imprudent." The facts are:

1. The question of the potential conflict of interest between his office as President of the AAUP Chapter, which carries an appeals function, and membership on the Faculty Committee on Tenure and Faculty Advancement (which carries a first-level decision-recommending function) was first pointed out formally by the Faculty Council to me on March 13, 1973.

2. I raised the question verbally in my office with Professor Robinson, who understood the basis of the potential conflict of interest; however, at that time he felt he could "wear both hats."

3. At the faculty meeting on April 11, Professor Robinson verbally indicated his intention to resign from the Committee on Tenure and Faculty Advancement in order to make it possible for that Committee to carry on its decision-recommending function.

4. I formally acknowledged that action in a memo to the faculty on April 12 and indicated that as soon as that resignation was effective I saw no difficulty in the Committee proceeding with its work without a conflict of interest.

5. At no time did Professor Robinson appeal this decision to the Faculty Welfare Committee or give any indication that he felt it was inappropriate.

6. With the advent of collective bargaining, Professor Robinson, as President of the AAUP bargaining unit, has been considered ineligible to sit on standing committees of the Board or attend formal Board meetings unless specifically invited.

7. He has not been denied membership on any "decision-making committees" and, in fact, currently is a member of the Faculty Council.

8. With the advent of collective bargaining, it is obvious that his role as president of the bargaining unit does exclude him from access to certain functions of the Board of Trustees, which technically is considered management under the National Labor Relations Act.

H. It is asserted that, "President Allshouse stated in a report of May 2 to the faculty that the College had been operating on the principle of representative democracy but that broad participation had not worked well and that this may be part of the larger failure of representative democracy in our society. He added that 'decision-making by large legislative assemblies is often tragically costly in time and pathetically ineffective.'" The fact is that the May 2 report to the faculty (See Appendix L) was a full statement of my position relative to a specific issue raised by the Faculty Welfare Committee. The report should not be quoted out of context but should be read in its entirety lest its meaning be totally distorted.

I. It is asserted that, "A special faculty meeting convened on June 28 at which these developments were reported. The faculty voted,by 28 to 25, to resolve that it 'hereby expresses no confidence in the leadership' of the President and the Dean." The fact is that the special faculty meeting was called at my request to review the actions taken by the Board on June 21. Although it is customary for all actions taken by the faculty to receive prior circulation, when the vote of confidence motion was made, without prior notice, the Dean and I excluded ourselves. Many faculty who were supportive of the Board's action were not present at that meeting and did not know such a vote would be taken. Furthermore, of ten administrators eligible to vote, only two were present.

J. It is asserted that, "President Allshouse, noting the intent to enter litigation, objected to the prompt decision to proceed to investigation. He questioned the qualifications of the investigating committee members and suggested that he should have been able to participate in their selection."

In order to understand our request to find a mutually agreeable date for the investigating team's visit, it is essential to read my letter to Dr. Kurland of July 24 in full context, which is found in Appendix N.

III. Issues and findings relating to the dismissal of the thirteen faculty members

A. It is asserted that, "Thus was spread on the official record the move by the President and the Board to dismiss summarily thirteen members of the faculty of Bloomfield College, eleven of whom were tenured. Only some three months earlier, in letters dated March 15, 1973, each of the thirteen had received renewals of their contract for the ensuing year. Those letters had contained no hint of what was to come." The facts are:

1. The official record does not read as characterized in the report.

2. The March 15 renewal letters obviously did not contain specific references to non-renewal since the entire faculty knew that these decisions would be made by the Board in June. Are the report's authors suggesting that we should have aborted the due process and planning in March and made non-renewal decisions before any academic priority planning had been done?

B. It is asserted that, "On October 11, 1972, the President made a rather optimistic report to the faculty. He stated that the College had finished its third consecutive year with a balanced budget. Furthermore, during those years 'the College had retired $800,000 in long-term debt, increased its net worth by $1,700,000, and is now worth over $12,000,000.'"

The authors failed to report the full context of this data which was provided in the October annual report referred to. (See Section III, II, C, 1-2 above.)

C. It is asserted that, "It was not until the faculty meeting of February 7, 1973, that the president officially informed the faculty that a period of retrenchment was upon the College due to decreasing enrollment. The first specific and printed mention of financial exigency is contained in the report of the Long Range Planning Commission to the faculty of February 14, 1973." The facts are:

1. At each meeting of the Long Range Planning Commission, I urged the faculty representatives to keep their respective constituencies and committees informed of enrollment and financial data presented at each meeting. Months, indeed years, prior to February 7, budget and enrollment projections indicated an impending budget crisis.

2. February 1 is normally considered the first "hard data" check point for enrollment for the following September. At the first faculty meeting after that data was available, I fully reported the confirmation of the trend we had seen developing for several months, knowledge of which had been available to the AAUP local Chapter and every major standing committee of the faculty for months.

3. Ironically, the leadership of the AAUP, even after February 7, consistently doubted the reliability of the enrollment figures and felt the administrative planning had been precipitous.

IV. Issues and findings relating to the abolition of tenure

This section so thoroughly distorts and places out of context my own position regarding the nature of tenure at Bloomfield College that I simply refer the reader to Appendix K.

Section IV. Are the conclusions warranted by the facts?

In his letter of July 16, Dr. Kurland charged the ad hoc investigating committee with responsibility for examining the following issues:

"(1) the basis, in terms of sound academic standards, for relieving thirteen faculty members of their teaching and other faculty responsibilities for the 1973-74 academic year;

(2) the academic due process afforded to these thirteen faculty members;

(3) the basis, in terms of sound academic standards, for placing the remainder of the faculty on terminal one-year appointments for the 1973-74 academic year, with renewal of appointment in individual cases to be considered in the autumn of 1973;

(4) the academic due process afforded to these remaining faculty members;

(5) the basis, in terms of sound academic standards, for the decision to abandon the existing system of faculty tenure at Bloomfield College;

(6) the ramifications, for academic freedom and for sound institutional development generally, of the decision to abandon the faculty tenure system."

The conclusions presented do not adequately fulfill the charge given the committee. Furthermore, none of the three conclusions has been derived from documented evidence, and the apparent supposition of evidence and data which would lead to counter-conclusions is a flagrant denial of the basic principles of academic freedom and integrity. It is shocking and alarming that with its resources, human talent, and historic commitment to radical truth, a more adequate investigation could not have been completed. Through such a poorly advised and conducted process we have all lost a precious measure of academic freedom.

Preparing these comments has not been a pleasant experience. We are in the midst of a tragic situation from which I hope others may benefit. I am deeply concerned about the well-being of our students and the quality of their education which, in some cases, has suffered with the needless politicalization of the campus. The welfare of those faculty who will not be with us after July 1, 1974 is problematic; for those who elected to use our assistance,

recommendations and vitae have been sent to 3,050 colleges and universities. I have asked the national AAUP to assist us in the placement effort, to no avail. I only hope that further faculty reductions will not have to be made this year.

A small college's future depends more than ever upon its ability to cope with forces frequently beyond its control. I hope that our experience, mistakes and successes will serve as a stimulus for creative, critical and courageous thinking and action on the part of those who have an opportunity to read this report.

Respectfully submitted,

Merle F. Allshouse
President
Bloomfield College

MFA:B

APPENDIX A 6-21-73.

Report to Board of Trustees

Alternative Actions

A. Request resignation of President

Advantages

a. Responsibility for enrollment and morale problems could be placed solely on administration.
b. College could resume under new leadership.

Disadvantages

a. Undistinctive mission and lack of academic integrity would not be faced.
b. Keying problems to demographic, economic, and educational trends would receive little attention.

B. Adopt Faculty's Substitute Plan

Advantages

a. Tenured faculty would feel secure.
b. Threat of AAUP censure would be removed.
c. Possible litigation from tenure faculty removed.
d. AAUP "academic freedom" would not be challenged.

Disadvantages

a. Temporary security: drop in tuition income would eliminate entire departments by 1975-76.
b. College would not be free to determine its own mission and future.
c. Litigation, like censure, may be a "fixed cost" for ongoing colleges with changed academic priorities.
d. Vital untenured faculty would be lost.
e. Plan fails to provide academic freedom for all community constituents.
f. New faculty would require instant tenure; personnel decisions would protect tenure rather than assessing individual merit or curricular needs.
g. Plan includes no academic priorities.
h. Adoption indicates allegiance to tenure above academic priorities or educational mission.

C. Close College in September for two years

Advantages

a. Way is opened for a new and unambiguous planning approach.
b. Financial exigency and personnel procedures become purely academic.

Disadvantages

a. Loan to meet terminal salaries would inflict too heavy debt on new institution.
b. Some property assets would be liquidated before plans for the property mature.
c. Institutional credibility would be damaged.

D. Adopt Faculty Council Plan of March 22

Advantages

a. This represents the only thorough department review done by a representative, elected faculty committee.
b. Plan provides for department strength to increase while faculty size is reduced.

Disadvantages

a. Plan repudiated by Faculty.
b. Plan leaves out questions of educational mission, new learning needs, and future beyond 1974-75.
c. Plan assumes only the present department structure.

E. Adopt the Report of the Commission to Explore Alternative Missions

a. Report is the most comprehensive planning document which accounts for College's legacy and changing academic and demographic conditions.
b. Commission sought advice and expertise early.
c. Report addresses three critical questions:
   - Whom shall we educate?
   - What should be the organizing principles for the curriculum?
   - How should we teach?

a. Report is incomplete.
b. Report was not adopted by the faculty which, instead, reaffirmed its commitment to the present mission, curriculum, requirements, and departmental structure.
c. Its broad synthesis may not be distinctive enough.

F. Adopt the recommendations of the Board's Academic Affairs Committee

a. Proposals incorporate mission, faculty reduction by academic criteria, and contractual relations between the Faculty and the College.
b. Recommendations were formed after hearing from a broad spectrum of the Faculty.
c. Proposals provide the opportunity for continued work by all segments of the College to revitalize around educational assumptions.

a. Proposed action could result in AAUP censure and considerable litigation.

Report to the Board of Trustees

June 21, 1973

Introduction

Bloomfield College has taken numerous new leases on its institutional life, and at each of its crossroads the Board has been faced with difficult decisions which required bold solutions. In this report I shall not repeat observations and conclusions articulated in numerous documents, reports and letters which I have shared with you during the past year. Rather, presupposing an understanding of our financial exigency, enrollment and population trends in our region, and the critical need for new educational programs to meet new learning needs, I shall review the alternatives before the Board. It should be clear from the attached letter from Mr. Clyde Szuch, of Pitney, Hardin and Kipp, that the Board is free to exercise its responsibilities to determine the mission of the College and effect policies it believes to be in the College's best interests:

I. Alternatives

A. Request the resignation of the President. It is clear that a majority of the faculty do not support any plan, including either that of the Faculty Council or the Commission on Alternative Missions, which calls for a thorough review of the mission and/or academic program and challenges the basic assumptions of tenure. Both the delicate nature of the changes proposed and the compressed time schedule imposed by financial constraints have produced various responses ranging from enthusiastic support to horrified rejection. Some members of the Faculty simply honestly misunderstand both the Faculty Council and Commission reports; others seek to discredit and misconstrue the documents to create a sense of ambiguity and mistrust. Clearly, the faculty consensus in support of a new mission for the College has not been achieved, so the President could be held responsible for the present state of discontent and relieved of his responsibilities.

1. Advantages

a. The responsibility for both enrollment and morale problems could be placed solely on the administration.

b. The College could attempt to return to things as they were under new leadership that would not seek as distinctive a role for the institution.

2. Disadvantages

a. The real problems of the College's undistinctive mission and faculty members who place personal security before the College's academic integrity would not be faced.

b. Serious attention would not be given to the complex demographic, economic and educational trends which are the primary causes for our problems today and must be keyed to their solution.

B. Adopt the Faculty's "Substitute Plan." This plan, adopted by the Faculty on April 11, and distributed to the Board, provides for the reduction of the faculty size to 58 full-time positions by 1974-75, through the elimination of only non-tenured faculty.

1. Advantages

a. Tenured faculty would feel secure and their morale would improve.
b. The threat of censure by the AAUP would be removed.
c. The basis for the threat of possible litigation from tenured faculty would be removed.
d. Academic freedom as conventionally defined by the AAUP would not be challenged.

2. Disadvantages

a. Since the security of tenure at Bloomfield College is contingent upon tuition income, continual enrollment declines would necessitate cutting into tenured ranks and eliminating entire departments by 1975-76; hence, the security would be only temporary and would blind us to the severity of the real problems.

b. As long as the threat of AAUP censure is a prime consideration in forming institutional policy, the College will not be academically free to determine its own mission and future. The AAUP, through its decision to become the collective bargaining agent on many campuses, has taken on the characteristics of a labor union whose primary aim is the protection of the labor interests of its members. The AAUP, unfortunately, does not have any expressed interest in Bloomfield College beyond the protection of the status quo of tenured members of the faculty. My response of June 18 to Dr. Davis's telegram of June 15 should help clarify the College's intention to resist unwarranted pressure from the AAUP and to seek a modus vivendi with them which will enable us both to redefine academic objectives and to maintain academic freedom.

c. Litigation by certain members of the Faculty, like AAUP censure, while costly and time-consuming, may be a "fixed cost" for colleges which seek to keep their doors open while creating an academic program and faculty more responsive to present and future student needs.

d. Many of our new and untenured faculty members who would be eliminated under the "Substitute Plan" are providing essential vitality in curriculum planning, have introduced new enthusiasm into the classroom, and have taken a leadership role in creating programs attractive to new student clientele which they are actively recruiting. In many areas they represent the largest single cluster of faculty who are aware of state and national educational trends, have experienced a desire to be involved in planning for the future, and have demonstrated their concerns through the creation of concrete ideas and plans.

e. Adoption of the "Substitute Plan" in order to preserve the "academic freedom" of the tenured faculty would fail to face the fact that tenure is more related to job security than academic freedom. The "Substitute Plan" does not protect the academic freedom of the non-tenured faculty. It does not face our need to develop programs that protect the academic freedom of all members of the College community, including students and administrators, irrespective of tenure.

f. Retention of only our tenured faculty and the elimination of highly qualified and productive non-tenured faculty would make it exceedingly difficult to recruit faculty in the future without giving them instant tenure. The College would be making its personnel decisions on the basis of the protection of tenure rather than either the merit or performance of individual members of the Faculty or the curricular needs of the College.

g. The "Substitute Plan" is silent on the question of academic priorities. It does not face up to the 1972 AAUP Guidelines "On Institutional Problems Resulting from Financial Exigency" which clearly call for personnel decisions to be made in light of academic needs which have been developed in view of the College's potential. The "Substitute Plan" reflects only past departmental staff configurations which themselves were the product of historical accidents in the 1960s. Is it conceivable that the College should make personnel decisions which affect our next decade on the basis of past assumptions which have no articulated academic plan or educational mission at their base?

h. Adoption of the "Substitute Plan" would communicate the unfortunate fact that the College had placed allegiance to tenure above the need for an assessment of our academic priorities and an examination of our mission for the future.

C. Close the College, effective September, 1973, for a two-year period during which a small planning staff would design a new institution to open in September, 1975.

1. Advantages

a. The break with past perceptions of the College would be clean, permitting a new and unambiguous approach to potential students, those persons and institutions providing financial resources for higher education and the educational community in general.

b. The case for or against financial exigency and the issues of due process relative to personnel reduction would be purely academic, since there would be no existing educational institution for a two-year period.

2. Disadvantages

a. Our current asset position would not permit an adequate base for a secured loan large enough to meet our terminal salary obligations for a one-year period without incurring such a heavy debt burden upon the new institution that it could survive the initial years of infancy.

b. Property assets either at the Knoll or in Bloomfield would have to be liquidated before plans for the best use of these properties have matured.

c. In closing, the institution may sacrifice confidence and credibility it would need for the future.

D. Adopt the Faculty Council Plan of March 22.

1. Advantages

a. The Faculty Council plan is the only instance of thoroughly departmental review done by a representative, elected committee of the Faculty.

b. The plan provides a set of academic criteria in terms of which the departments can increase in strength while the overall size of the faculty is reduced.

2. Disadvantages

a. The Faculty Council document was repudiated by the Faculty.

b. The plan does not address itself to the critical questions of educational mission, new learning needs, or the future beyond the 1974-75 academic year.

c. The plan assumes only the present departmental structure.

E. Adopt the Report of the Commission to Explore Alternative Missions.

1. Advantages

a. The report represents the most comprehensive planning document yet designed by any group of Bloomfield faculty. It takes into account the College's legacy and changing demographic and academic scene regionally and nationally.

b. In its planning stages the Commission sought advice and expertise from all members of the Faculty, as well as professional consultants beyond Bloomfield's sphere.

c. The report addresses itself to three critical issues for Bloomfield:

Whom shall we educate?
What should be the organizing principles for the curriculum?
How should we teach?

2. Disadvantages

a. The report is not completed but represents a broad consensus of Commission and Task Force members concerning the most viable future for the College.

b. The report was not adopted by the Faculty, which, instead, adopted a substitute motion reaffirming its commitment to the College's present mission, curriculum, requirements, and departmental structure.

c. The report does not chart a totally new and distinctive mission for the College but represents a synthesis of the present with the widest possible opening for future alternatives. In our effort to be inclusive on a wide middle path, we tend to sacrifice the distinctiveness which comes from sharp and narrow edges.

F. Adopt the Recommendations of the Board's Academic Affairs Committee.

1. Advantages

a. This set of proposals attempts to relate in one coherent body of recommendations the need for clarity of direction about the College's mission, the need to reduce the size of the faculty using academic criteria, and the relation of the mission to the future form of the contractual relationship between the Faculty and the College.

b. The Committee has formed its recommendations after hearing from a broad spectrum of the Faculty.

c. The Faculty, alumni, and students would have an opportunity next year to work together on the Commission report and begin to solidify all segments of the College to accomplish a new a revitalized Bloomfield around the educational assumptions of the report.

2. Disadvantages

a. The course of action proposed could result in AAUP censure and considerable litigation on the part of tenured faculty who have been given terminal notice.

II. Personal Recommendations

Were we able to determine rationally the consequences of our actions, I would rank the alternatives in the following order:

1. Close the present institution and form a small planning nucleus for two years;
2. Adopt the recommendations of the Board's Academic Affairs Committee;
3. Adopt the report of the Commission on Alternative Missions;
4. Adopt the Faculty Council Plan; and
5. Adopt the "Substitute Plan."

While I have reservations about the pluralism of the Commission's report and its lack of sharpness, much more specificity will come in the honing process during the year ahead. There are aspects of the Commission's report, as embodied in the recommendations of the Board's Academic Affairs Committee, which are genuinely exciting and could provide a distinctive new future for Bloomfield College.

1. A new focus on the adult learner means that continuous learning will become a teaching form and we will become increasingly focused on the learning needs of the 22 to 65-year-old sector of our population.

2. A total curriculum which places emphasis upon the relation of careers and professions to the liberal arts disciplines may permit us to integrate reflection and choice, thought and action more imaginatively than it has been accomplished anywhere else. The academic disciplines may finally become ways to free us for meaningful action and prepare our students for effective lives of work.

3. There is potential here for the evolution of a learning community in which all members contract for the use of their human resources and engage in open and direct shared learning. Methods could be employed for faculty to develop learning contracts for personal development and students could contract with the community not only to receive instruction but also to give from their talents. Student learning contracts should integrate a person's present skills and abilities with the College's resources to help the student form specific goals which can be accomplished and evaluated.

4. I see a great possibility in the development of special institute programs which would like our College into the growing edge of social and institutional development in the metropolitan area. Through the careful slection of topics and leadership, we could become the regional center for community and human self-renewal.

5. I foresee in the Commission's recommendations the potential for our College as a network of talent and ideas not spatially bound to the classroom or campus but shaped by human interest and need.

As I consider my commitment to such a program, you should know where my emphasis would be placed.

1. Primary attention must be given to developing a governance system that (a) protects the freedom of inquiry and the free pursuit of ideas; (b) challenges the creative person; (c) facilitates and rewards human interaction among all members of the College community. The development of a system of humane governance with adequate protection for the free pursuit of ideas is critical. We must consider major revisions in the Constitution and Bylaws of the Board and the Bylaws and Standing Rules of the Faculty.

2. Both to begin the healing process caused by years of past divisiveness and to develop as a learning community, we must initiate an intensive program for teaching and personal self-renewal. The commitment of our entire College must be made forcefully to various modes, such as personal growth laboratories, workshops on learning, etc., of sensitizing us to each other's needs and potentialities. We must place our highest priority on the development of community trust and self-confidence. Special faculty and administrative resources will have to devote full time to this regenerative process.

3. We need to see ourselves as a human experiment, an institution whose character and processes are determined by the needs of the learning community, not one which forces pre-formed processes, courses, or requirements on the learner.

4. A major emphasis must be placed on evaluation and the assessment of our learning systems. A new concept of faculty contracting for learning and evaluation is only one aspect of what must be an intensive spirit of outcome analysis. Are we really accomplishing our educational objectives and how do we know it? Such an evaluation program should be completed by the next Middle States review.

We have a great opportunity to take a College that for too long has been torn by fear, agonized by low self-esteem, and complacent in its self-imposed structures and develop it into a learning community in which we can live creative lives in the midst of ambiguity, build on each other's strengths, and grow through our honest frailty.

Merle F. Allshouse
President

MFA:mbm
Enclosure

APPENDIX-B

BLOOMFIELD COLLEGE
BLOOMFIELD, NEW JERSEY 07003
201-748-9000

OFFICE OF THE PRESIDENT

July 12, 1973

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Jordan:

On behalf of my colleagues I would like to express our gratitude for the opportunity we had to meet with you, Ralph Brown, and Martin Lapidus on the ninth to discuss issues which are of such great importance to the future of Bloomfield College. We hope this meeting will facilitate the kind of cooperative relationship with the AAUP which we have been seeking through our efforts to confer with the Council or Committee A throughout the past several months. We are pleased that you did arrange for us to meet with RalphBrown, and I hope it will now be possible for you to reconsider the possibility of our having a few moments with the Council or Committee A when they next convene.

I want to say a special word of appreciation for the presence of RalphBrown last Monday which we all found extremely constructive. I was personally impressed with his irenic spirit and his appreciation of the desperately difficult and complex nature of our situation.

I have given considerable thought to your ultimatum that the Board rescind the action with respect to the thirteen faculty members who were terminated due to financial exigency. Even if such an action could be taken, it would not solve our basic financial problems and it would, in fact, create new ones. The faculty must be reduced in size by at least thirteen full-time faculty positions through a plan of systematic academic planning which will leave the College in a stronger rather than weaker position for student recruitment. It has taken us at least eight months and thousands of faculty hours to produce the plan which was developed by the Faculty Council, and we have made an honest and open effort to work within the 1972 Guidelines on Institutional Problems Resulting from Financial Exigency. Ample opportunity was given to the faculty as a whole

to determine how alternatives to this plan should be produced but nothing was forthcoming. Even the most ahistorical of persons would find it difficult to argue that the process should be begun all over again. To seriously suggest that the College should close its eyes to all of the efforts and expertise which were put into planning during the year could well mean the loss of a critical time margin which we need for survival. We have been attempting to work with you since February and to avoid the dilemma which you are posing for us. We have advocated cooperation and sought you and the Council out for advice, but we received little encouragement and direct communication.

We have attempted to sponsor and encourage every possible avenue for sound academic planning through due process. I trust the AAUP will not put itself in a position of developing a precedent of supporting a faculty which may have used the democratic process to, in effect, frustrate the development of any academic plan which, in turn, could provide the basis for faculty reduction. I believe we have every right to expect you to demand of our faculty, and especially the AAUP members, the professional responsibility which is theirs for the development of sound academic planning. Perhaps we would not be in the position we are today if your office had influenced our Faculty's AAUP Chapter to respond positively to my repeated requests for alternatives to the Faculty Council's plan, if the Faculty felt it was unsatisfactory.

Despite these difficulties I hope we will continue to seek a cooperative relationship with the AAUP. The Dean of the College and I were members of theAAUP for a number of years and we are committed to the high ideals and professional standards which it professes. The AAUP could now make a significant contribution to colleges like Bloomfield by assisting us in exploring distinctive programs which assure academic freedom and reasonable economic security.

I assume from your comments last Monday you are eager to have an ad hoc investigation committee appointed. Since Dr. Nodder and I will be on vacation during August and our schedules during the month of July make it virtually impossible for us to be available for an ad hoc committee for any extended period of time, I would like to suggest a September date if you choose to appoint an investigation committee. I would certainly look forward to sharing with such a committee all the information which went into our planning process over the past two years.

Since the credibility of any committee's report will depend upon their familiarity with our kind of situation, I respectfully request that you send us information concerning the persons whom you expect to appoint to the committee. I would hope that at least one of the members would have had personal experience as an administrator at a college roughly the size and with the economic difficulties of Bloomfield. The basis for this request comes from an old democratic tradition which argues that one being tried has a right to participate in the selection of his jurors. In a very real sense the work of this investigation committee will be substantive in the development of final conclusions. Therefore, I think sound democratic due process would be fulfilled only by our participation in the selection of the committee.

The Board of Trustees and the Administration are attempting to pull our Faculty together and ease some of the strains which have developed during the past few years, and particularly, in recent months. Our Faculty has approved an appeals system to hear the grievances of those who have been terminated due to financial exigency. We understand the sense of urgency which you feel concerning the initiation of an investigation but we would caution against any undue haste. If our local AAUP Chapter wishes to request an investigation, I assume that the best time to begin such a process would be in the fall when they can be convened.

Thank you again, Jordan, for the invitation to meet with you and Ralph Brown. We are encouraged by what seems to be a new attitude of openness although the meeting was not necessarily productive in results. However, a start has been made and we look forward to meeting with you or other members of the AAUP who you think can reconcile the difficulties before us.

Best wishes for a pleasant summer.

Sincerely yours,

Merle F. Allshouse
President

MFA:mbm

cc: Dr. Donald H. Scott, Chairman, Board of Trustees
Professor Ralph Brown, Chairman, Committee A, AAUP, Yale Law School
Dean Nodder
AAUP Council Officers - Walter Adams, Michigan State
Carl M Stevens, Reed College
Beatrice B. Konheim, Cuny-Hunter
Bertram Davis - Jersey Secty AAUP.
Carlyle S. Hughes - George Washington U.
Stanley L. Goldstein - Penn. Pa.

APPENDIX C

May 23, 1973

To: The Faculty

From: The Committee on Faculty Welfare

Subject: Appeals Procedure under the Proposals for the Reduction of Faculty Due to Financial Exigency

The Committee will use the following procedure should any Faculty member wish to appeal his/her case upon notification of dismissal due to financial exigency.

STEP I The person appealing the decision must submit a written statement of grievance with the Committee on Faculty Welfare. The grievance should provide as much detail as possible as to the reasons for the appeal. An appeal must be filed within six months of notification of dismissal.

STEP II A copy of the grievance together with a covering letter from the Committee requesting an outline of the procedure followed and standards applied in arriving at the decision to dismiss the appellant, will be forwarded to the appropriate Administrative officer. A reply would be anticipated within a ten day period.

STEP III Upon receiving the reply a hearing will be held where the appellant and the Administrative officer, and/or their respective representatives or advisors will discuss the issues. The hearing will be conducted on an informal basis although it will be taped with the tapes being retained by the Committee Chairman until the case is resolved.

STEP IV The Committee shall prepare a recommendation on the case. The recommendation will be given to the appellant with a copy to the Administrative officer. At the request of the Committee, the recommendation will be transmitted to the Board of Trustees through the President of the College.

The Committee believes that its decisions will be based upon whether due process was followed in the dismissal action. In any case where the Committee believes the evaluation was in error, the case will be returned to the group/or individual which originally prepared the dismissal recommendation, for reconsideration.

APPENDIX D

To: Professor Albert R. Tomlinson, Chairman
Committee on Faculty Welfare

From: Merle F. Allshouse, President

Date: July 26, 1973

Dear Al:

In reply to your memo of July 19 regarding the appeal of Professor Harold Kruse currently before the Committee on Faculty Welfare, may I suggest that in order to elicit the kind of information which you need to adjudicate his appeal, the Welfare Committee retrace the process by which the recommendation relative to Professor Kruse came to my desk. The definition of positions, as you know, was determined by the Faculty Council, and the evaluation of specific members of the faculty, relative to those definitions, was made by the special Evaluation Committee. These evaluations were then transferred to the Dean of the College, who, in turn, made specific recommendations to me prior to the Board meeting on June 21.

As I have already stated publicly on numerous occasions and in printed reports to the Faculty, the process whereby the Faculty Council defined fifty-four positions and the Evaluation Committee was nominated and charged with the responsibility of evaluating existing faculty relative to those positions was, given all other alternatives available, democratic and highly dependent upon peer group analysis.

Since I have been informed that certain members of the Faculty plan to enter litigation against the College, I do not think it prudent at this point to enter into specific discussion relative to Professor Kruse's case until it is clear as to whether or not he will be a plaintiff in any civil suit against the College. I regret that such a suit is a possibility, since it does present severe difficulties for normal functioning of our internal due process system.

Should it be the case that Professor Kruse is not a plaintiff in a civil case, then I certainly would be quite willing to enter public record regarding all details concerning Professor Kruse's evaluation and the process whereby he was recommended for termination.

Perhaps you can assist in clarifying whether or not a civil suit will be entered by Professor Kruse simultaneously with his pursuit of our internal due process. I regret that Professor Kruse did not raise any of the issues which concern him with me personally when Dean Nodder and I talked with him on June 26th.

I hope to hear from you at your earliest convenience.

Sincerely yours,

MFA:B
cc: Dean Nodder
Professor Sealy
Professor Kruse

APPENDIX - E

July 30, 1973

Professor David Fellman
Department of Political Science
University of Wisconsin
Madison, Wisconsin 53706

Dear Professor Fellman:

It was good to meet you and Professors Spector and Wishner on Saturday. As I said then, I deeply regret that the apparent decision of the National AAUP to bring civil suit against the College simultaneously with your investigation has resulted in creating an atmosphere in which our legal counsel has advised the Board of Trustees and the administration not to communicate with any AAUP representatives relative to matters which may be brought forward by the AAUP in the forthcoming civil suit.

I deeply regret that Jordan Kurland has not honored my request to reschedule the investigation at a time that would be mutually suitable after consultation with both our respective legal counsels. It seems clear to me that you have been working under enormous difficulties and pressures these past three days which can only make the results of your current investigation something less than fully objective. On Saturday, Sunday, and this morning I have been contacted by representatives of the press, including the UPI, indicating that Washington AAUP sources had informed them that legal action would be filed by the AAUP today on behalf of the thirteen terminated faculty. It is inconceivable to me how you, as a committee, are expected to conduct an impartial and objective investigation literally the very day when the organization which you represent is apparently planning to file suit against the College and, in their affidavit, would be making judgments, the truth of which you are supposedly seeking.

Therefore, I respectfully request that in the interests of rational and objective judgment you seek permission from Jordan Kurland to make another visit to Bloomfield College in accordance with a schedule mutually satisfactory to the AAUP's and the College's legal counsels in order that you might talk with members of the Board and the administration who have been intimately involved with the issues you are investigating. At such a time there would be no danger of intermingling the legal and academic due process issues, which Jordan Kurland has agreed should be kept distinct, but whose actions, to this point, have only served to confuse.

I am sorry that you and the committee were not able to accept our offer to provide social amenities over the weekend, and perhaps on another occasion we will be able to visit informally with each other.

Sincerely yours,

Merle F. Allshouse
President

MFA:B
cc: Dr. Donald H. Scott, Chairman, Board of Trustees
Dr. Stanley Kodder, Jr., Dean of the College
Dr. Jordan E. Kurland
Professor Edward F. Robinson
Professor Ralph S. Brown, Jr.
Mr. Martin Lapidus

APPENDIX. F

July 30, 1973

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Jordan:

Thank you for your letter of July 26, which arrived today. I deeply regret that you decided not to ask the ad hoc investigating committee to defer its visit. For the record, it should be clear that it was not my decision that "members of the administration and Board should not confer" with the committee, as is implied in your letter, but, rather, it was our legal counsel which advised me not to cooperate with an AAUP-sponsored investigation at this time since you were planning to file civil action against the College simultaneously with the visit of the committee. Obviously, such civil action, which overlaps the range of questions being pursued by the investigating committee, places the College in a defensive posture legally, and I would be less than prudent not to protect the future of the institution. Please refer to this letter or to my letter to you of July 24 or my memo to Ed Robinson of July 26 when you document my reasons for not cooperating with the investigating committee this past weekend.

If you sincerely desire not to confuse the legal and academic issues relative to the termination of thirteen members of our faculty, then I think you would not have scheduled simultaneously the visit of the ad hoc committee and the initiation of your legal suit. I agree that the legal and due process issues need not proceed sequentially and have never suggested they should, but neither academic nor legal due process is served by engaging the issues simultaneously. This past Friday, Saturday, and Sunday I have received numerous calls from the press, including the UPI, indicating that reliable Washington AAUP sources had informed them of your intention to enter civil suit against the College today. This decision on your part raises at least six major concerns for us.

(1) If the suit is on behalf of the dismissed faculty, the procedural rights of which the ad hoc committee is investigating, how can the AAUP on the same day enter an affidavit in court making procedural judgments against the College and, on the other hand, convene a committee to investigate the merits of the process by which the thirteen faculty were terminated? Can you wonder that at times we feel as though the ad hoc committee has been placed in the position of being a kangaroo court?

(2) Is academic due process served by your leaking to press sources information about a civil suit you plan to enter against us prior to our being informed about the case? The front page story in today's Herald-News by David Levine indicated that "the American Association of University Professors (AAUP), a Washington-based education association, says in a brief made available to the Herald-News that Dr. Merle Allshouse, College President, and the Board of Trustees acted illegally in scrapping tenure and reducing the size of the faculty." Is it normal for you to discuss legal matters that affect the life of a college before you have formally communicated your brief to college officials? Repeated precipitous leaks from the National AAUP over the past few months to the press lead me to think that you feel an urgency to communicate, through the national news media, with your membership. If your constituency is pressing for strong and immediate action against Bloomfield College, then I urge you to find some mode of communicating with them other than through advance press releases.

(3) An AAUP spokesman is quoted as saying, "We're asking proof of Bloomfield College's state of financial exigency." I cannot imagine why you are going to court to have a review of the College's financial status. As you know, two weeks ago I was critical of the then pending visit of the ad hoc investigating committee because I had no record of the background documents they had and could not understand how they could conduct an investigation without benefit of a full review of our financial statements and an in-depth interview with the College Treasurer, who was out of state on vacation during the period of the committee's scheduled visit. Our audited financial statements are matters of public record; Ed Robinson, our local AAUP Chapter President, served last year as a faculty representative on the Board and received a copy of the last audited statement at the October annual Board meeting, and copies of the report are available in the College Library.

(4) The filing of a legal suit and the dissemination of information to the press during an NLRB election in which the AAUP is a principal party certainly lacks propriety. Do you not think that filing a legal suit and planting reports in the news media coincident with the election constitutes coercive pressure upon some members of our faculty?

(5) The Herald-News report also claimed that "the suit charges that there was never any demonstration of financial exigency by the College and there was never an 'adequate cause' given for the dismissals of tenured faculty members." How can the AAUP, on the same day, be claiming that an ad hoc investigating committee is making an objective investigation into matters of due process, which certainly includes the principle of adequate cause, and, at the same time, be filing a civil suit charging that we have violated the adequate cause principle? Either you are making a mockery of your own investigation process or you have made a precipitous judgment regarding the College's use of due process. Should the civil suit deal with questions of adequate cause, then you have merged the legal and

academic issues in a manner which, as I repeatedly warned you, has jeopardized the work of the investigating committee and validated the judgment of our legal counsel regarding cooperation with the committee this weekend.

(6) I earnestly hope you and your colleagues consider the dire consequences for Bloomfield College which could result from a public airing of our present condition of financial exigency. This summer we have borrowed,on an unsecured loan, $250,000 in order to cover payroll and other cash needs to September. On some of our mortgages we have obtained a deferment of principal payment. As you must know, such action requires a high degree of trust on the part of lending institutions. Should that confidence be lost or eroded, the liquidation of our assets could be swift, with brutal consequences for all members of the faculty and staff. I feel a strong obligation to keep this College in a position of educational and financial solvency for the sake of our present students and the alumni. You may be on the threshold of setting in motion events, the ultimate consequences of which would be the financial collapse of the institution. In that event, you and the AAUP will be held both morally and legally responsible for your actions.

In the larger perspective, I am certain that the AAUP does not consider the survival or failure of Bloomfield College as critical to the future of American higher education, to say nothing of the AAUP. Bloomfield, simply because it has had an undistinguished history, is small and, probably for some time to come, will remain quite modest. We have made every effort,within the limitations of time, staff and financial resources, to plan for the very difficult years ahead during which enrollments are shrinking and resources growing more scarce. We believe that with time and patience we can develop a contract program that will provide all and more of the traditional safeguards to academic freedom provided by the traditional tenure system. No human or social creation, which I understand tenure to be, is immune from change. Once again, I hope you will join with us in our efforts to extend the principles of academic freedom to all members of the academic community.

Sincerely yours,

Merle F. Allshouse
President

MFA:B
cc: Dr. Donald H. Scott, Chairman, Board of Trustees
Dr. Stanley Nodder, Jr. Dean of the College
Professor David Fellman
Professor Sherman David Spector
Professor Julius Wishner
Professor Edward F. Robinson
Professor Ralph S. Brown, Jr.

APPENDIX - G

BLOOMFIELD COLLEGE
BLOOMFIELD, NEW JERSEY 07003
201-748-9000

OFFICE OF THE PRESIDENT

September 21, 1973

Professor David Fellman, Chairman
Department of Political Science
University of Wisconsin-Madison
North Hall
1050 Bascom Mall
Madison, Wisconsin 53706

Dear Professor Fellman:

As I indicated to you in my letter of August 7 in response to your request of August 2 for certain items of financial, salary and personnel information, including financial statements for the College and the Knoll since 1968-69, your request was referred to the College's counsel for review.

As you may or may not know, information of the kind requested by you in connection with the "special investigating committee of AAUP" is being demanded of the College in two other forums.

First, the AAUP as a number of individuals has commenced a suit in the Superior Court of New Jersey against the College, members of the Board of Trustees of the Coll[illegible] as such members and individually, and me as president and individually. One of the prayers for relief in that suit is

> "Ordering an accounting of the books and financial records of the defendant, BLOOMFIELD COLLEGE, and the immediate impoundment of the books and financial records of the defendant, BLOOMFIELD COLLEGE, and the Minutes of the Executive Sessions of the Board of Trustees of Bloomfield College from January 1, 1971 to date, and ordering and compelling the defendants, and each of them, to make available forthwith the aforementioned books and records for inspection and copying by the plaintiffs, and enjoining and restraining the defendants from refusing to make available the aforesaid books and financial records."

Second, the AAUP in its capacity as collective bargaining representative of certain faculty members has demanded that the College produce thirteen "Items of Information." The "Items of Information" requested include financial data as well as data on the thirteen faculty members.

Counsel for the College representing us in connection with these matters is in the process of reviewing the various demands and in assisting us in evaluating their appropriateness. Until that review and advice are forthcoming, we have been advised that we should not respond to your request.

In connection with its review of these demands, our counsel believes that there is a most serious fundamental unfairness to the AAUP proceeding with its "special investigating committee" at the same time it has commenced a lawsuit involving many of the same matters. Counsel points out that one of the purposes of the investigating committee is to determine whether or not the College acted properly with respect to a certain thirteen members of the faculty. Presumably this evaluation and decision would come after the completion of the investigation which you have undertaken.

Furthermore, the financial data you have requested for use by the special investigating committee, to be channeled through the AAUP Washington office, I infer is to be used to determine the degree of financial exigency being experienced by the College. However, the AAUP, as plaintiff in the civil action and supported by the Washington office, has initiated a course of action which has placed the courts, not the special investigating committee, in a privileged position to determine the nature of our financial exigency. By filing the lawsuit with the allegations and prayers for relief contained therein, the AAUP has already made a judgment on the issues which the special committee is to investigate. Please note that plaintiffs in the lawsuit are not only certain of the thirteen faculty members but also the "AAUP."

We are also concerned that information provided through AAUP sources has been used by AAUP officials intentionally to damage the College's integrity. For example, Charles Haslam of the AAUP, while debating at the United States National Student Conference meeting last August 19, publicly cited documents which should have been held in confidence, given the sensitive nature of your investigation and the pending litigation. Could you assure us that material supplied to your committee, if it goes through the national office, will not be used in such a manner again?

I am pleased to have your clarification of September 10 regarding what you feel is in my "own best interest" relative to the work of the special investigating committee. Were it not that the prayers for relief in the AAUP's civil case overlapped so clearly with the information requested by your special investigating committee, I would certainly agree that the "give and take of oral

discussion is probably the most effective procedure" for reviewing matters of academic due process. However, I by no means agree that it is now "self-evident" that this procedure is academically, legally or morally the best way to proceed. Once again, I think it should be evident to you and members of the investigating committee that the filing of civil action, the complaints of which overlap with the charge given to the special investigating committee, has jeopardized the normal kinds of openness and communication which would have been possible between your committee and the College's Board and administration, which now are defendants in a civil action.

Perhaps you will be pleased to know that we have been in touch with the presidents of over 3,050 colleges and universities regarding placement for those members of the faculty who were issued non-reappointment letters this past June. For those who requested assistance in placement, dossiers were enclosed, and we are now receiving numerous replies. I still am hopeful that all thirteen members who were given non-reappointment notices will be able to be placed within the post-secondary education community and that their adjustment to their new positions will be as smooth as possible. I continue to regret that the AAUP has not assisted us in this effort, since the professional interests of our faculty would be served well by the assistance of the AAUP both as a professional organization and as a collective bargaining agent in the placement and relocation process.

Finally, by now you should have a copy of my letter of September 18 to Jordan Kurland in which I once again repeated my request of September 5 for more specific information regarding questions which you wish to pursue with members of our Board and the administration. I respectfully request that you review the complaint in the lawsuit which I sent to you several weeks ago in light of our counsel's recommendation. I would like to have your reasoning before the College makes a final decision regarding both your request for information of August 2 and the appropriateness of our participation in your next visit to the College on October 18.

Sincerely yours,

Merle F. Allshouse
President

MFA:mbm
cc: Professor David Sherman Spector
Professor Julius Wishner
Dr. Jordan E. Kurland
Mr. Martin Lapidus

APPENDIX - H

BLOOMFIELD COLLEGE
BLOOMFIELD, NEW JERSEY 07003
201-748-9000

OFFICE OF THE PRESIDENT

October 2, 1973

Professor David Fellman
Chairman, Department of Political Science
University of Wisconsin-Madison
North Hall, 1050 Bascom Mall
Madison, Wisconsin 53706

Dear Professor Fellman:

Thank you very much foryour letter of September 25, in response to my letter of September 21. I must confess that I share your puzzlement regarding the scheduled return of the ad hoc investigating committee on October 18. On September 22 I received a letter from Jordan Kurland in which he stated that the interest of the committee "does not center upon ascertaining additional factual information." Frankly, I thought it was the desire of the investigating committee to talk with members of the Board and administration so that they might complete their fact-finding investigation. If, indeed, the committee is not interested in ascertaining additional factual information then, frankly, I find it difficult to understand why the AAUP would go to the expense of the trip and why our Board and administration should even consider spending valuable time with the committee.

On July 30 I shared with members of the committee a letter to you requesting that "in the interests of rational and objective judgment you seek permission from Jordan Kurland to make another visit to Bloomfield College in accordance with a schedule mutually satisfactory to the AAUP's and the College's legal counsels in order that you might talk with members of the Board and administration who have been intimately involved with the issues you are investigating." As I am sure you will recall, the day that letter was written the AAUP had not yet shared with me a copy of their civil complaint. Hence, it was impossible for me at that time, although apparently copies had been leaked to the press by the Washington office, to know precisely what areas of your investigation would overlap with counts in the civil complaint. Therefore, I clearly referred to the fact that we would have to schedule a future meeting in consultation with our appropriate legal counsel. Upon advice from our legal counsel I wrote to Jordan Kurland on September 5 and September 18 requesting further information regarding the specific questions which your committee would like to pose to the Board and administration. This request is modest in view of the fact that the charge given to your committee clearly overlaps in every detail with the civil complaint filed by the AAUP against the College. Unfortunately, my requests of September 5 and September 18 have not been met and thus, upon advice from our legal counsel there is virtually nothing we can discuss on October 18 without

prior consultation. I believe that the Washington office has placed both your committee and the College in an extremely awkward position by bringing civil action against the College in areas that overlap precisely with those which your committee is investigating. Again, I call upon you to ask the Washington office not to put your committee in a position of denying to us our basic civil rights. I believe by filing the civil complaint the AAUP has decided that the questions at hand can be decided only in court and thus has pre-empted the work of your investigating committee. In short, it is not I who do not wish to talk to you but rather, the Washington office which put us in a position where we would deny to ourselves our legal rights were we to talk to you about those matters which overlap with the civil action.

I suggest one way out of the present dilemma would be for your committee to present a list of questions which you would like to pose on October 18 and I will be happy to be back in touch with you immediat ely after consultation with our legal counsel. For your information, I am enclosing a copy of my report to our Faculty at its September meeting.

Sincerely yours,

Merle F. Allshouse
President

MFA:mbm
Enclosure

cc: Members of ad hoc investigating committee - enclosures
Dr. Jordan Kurland

APPENDIX - I.

BLOOMFIELD COLLEGE
BLOOMFIELD, NEW JERSEY 07003
201-748-9000

OFFICE OF THE PRESIDENT

October 31, 1973

Professor David Fellman
University of Wisconsin-Madison
Department of Political Science
North Hall, 1050 Bascom Mall
Madison, Wisconsin 53706

Dear Professor Fellman:

Thank you very much for your letter of October 26. I deeply regret that you have decided not to make a second trip to Bloomfield to gather further facts before formulating your final report. I would like to appeal to your sense of academic justice and discretion in requesting that you reconsider the decision and weigh the advantages of a second trip in which you might be able to gather further information and facts which are relevant to the formulation of your final report. In determining your response to this request I hope you will consider the following factors:

1- Thus far, to my knowledge, you have spoken to only about twenty members of our faculty, representing only twenty-percent of the full and part-time members of the faculty.

2- You have not yet spoken to any members of the administration or the Board of Trustees, many of whom have played very crucial roles in the events which are under investigation.

3- It is not the case, as you suggested in your letter, that I have imposed severe limitations on the scope of your discussions. Rather, as outlined in my letter to you of October 15, the events which have been set in motion by both the litigation and the collective bargaining on the part of the A.A.U.P. have limited the area of our discussions. More specifically: a- I am sure if you check with the legal counsel representing our A.A.U.P. Collective Bargaining Unit you will find that by mutual agreement we are not able to discuss apart from the bargaining table items related to our new learning contract system since it may bear upon the terms and conditions of employment. Should you wish to discuss these matters I am sure you would find us cooperative in defining the parameters of such discussions with the A.A.U.P. collective bargaining team; b- Do you think it is unreasonable for us to request that you provide us written assurances that none of the information gathered or matters discussed during your visit would be used by the A.A.U.P. or its legal counsel in pursuing the civil suit now entered in the Superior Court of New Jersey? It seems to us that given our past experience with the A.A.U.P. office in Washington, most particularly its efforts to intercede in our accreditation with the Middle States Association, that you should be able to provide us such assurances especially if, as you contend, your committee

is free to draw its own conclusions and enter its own judgments independent of positions already taken by officers of the A.A.U.P. Once again, I wish you would speak to this issue and indicate why you think you cannot provide such assurances. c- We should be happy to enter into a general discussion about the nature of the relationship between tenure and academic freedom; however, it is not clear to us how this relates to the general charge given to your committee by Jordan Kurland on July 16. Clearly your letter of October 9 indicates that you do not understand my own position relative to this matter and I do hope that you will seek some form of communication with me more formally before attempting to draw conclusions regarding my judgments on such matters.

I believe the matters before us are of great weight and I frankly do not believe that the academic community, generally, is served well by any precipitous actions on the part of your committee or the A.A.U.P. There certainly is time for us to work out the terms of a return on the part of your committee. Frankly, I believe that it is extremely important for the future of the A.A.U.P. in terms of its investigatory functions to proceed in this matter with great caution and discretion. I do not believe that the evidence which you gathered on the basis of your initial visit in July is sufficient to permit an objective and fair drafting of the first report. I am sure you will "call the shots as you see them"; however, I do hope you will not shoot from the hip.

I can only appeal, Professor Fellman, to your sense of justice and propriety. Frankly, I do not know how you can possibly condone some of the actions which have been initiated at One Dupont Circle prior to the time that your report has been filed. I am speaking specifically of efforts made by Jordan Kurland to interfere with the accreditation status of Bloomfield College which I find an extraordinary case of intervention into our institutional integrity and due process.

Again, I wish you would speak to the issue of how your committee is, in fact, free to form its own judgments when the Washington staff has: a- drawn the conclusion in the civil complaint filed against us in the Superior Court of New Jersey that we are already in violation of due process and are not in financial exigency; b- has undertaken a national campaign to raise funds for some members of our faculty under the assumption that they have been treated unjustly; c- begun a major media campaign condemning the College; and, d- attempted to interfere with its accreditation status.

I hope to hear from you soon and trust that you will give my request for reconsideration your most serious and thoughtful attention.

Sincerely yours,

Merle F. Allshouse
President

MFA:mbm

cc: Professor Julius Wishner
Professor Sherman David Spector
Dr. Jordan E. Kurland
Mr. Martin Lapidus

Information copies to: Dr. Donald H. Scott
Dr. Stanley Nodder, Jr.
Clyde E. Szuch, Esquire
S. Joseph Fortunato, Esquire

APPENDIX-J

New Full-Time Faculty Members	Persons Replaced
Roberta Adler	Frances McLaughlin - Increased Administrative responsibilities Mrs. Campbell - (part-time)
Aryeh Blumberg	George Deane
Steve Golin	Charles Croghan (I.S.) - Dr. Croghan moved full-time into Religion
Marilynn Leitner	Clare Caffrey
Allan Ludwig	Barbara Guggenheim
Frank Moretti	Bruce Pfaff
MaryKay Mulligan	Rita Miller
Austin Okwu	Aubrey N'Komo
Axel Ostling	Tony Lazroe
Til Symonies	Katherine Hanley
Ronald Trost	Norman Pease - (on study leave-fall semester)
Nancy Williams	Mollie Mathews

None of the thirteen persons terminated because of financial exigency was replaced by a full-time faculty appointment. In most cases, the number of sections and courses offered in the departments of those who were terminated have been reduced.

II - THE TENURE SYSTEM

A. Some Inherent Weaknesses

Tenure in the American context, as it has evolved since the famous Johns Hopkins "call" of 1913, may have been an effective social instrument under conditions in which the higher education system was enjoying rapid and long-term growth, a significant portion of the faculty was non-tenured and the employment opportunities for faculty exceeded the number of faculty seeking positions.

Unfortunately, our present situation is one in which the overall growth rate in higher education will be declining through the year 2000 and the absolute number of students entering our private institutions will be declining before the end of this decade. "Steady state" planning will become the norm, and for the average faculty, already slightly more than fifty percent tenured, tenure quotas will all too quickly become the rule rather than the exception. At the same time, assuming an overall student population growth rate of two percent per year and the annual increase of 25,000 to 30,000 Ph.D.'s, it is possible that each year up to thirty percent of the new faculty eligible for appointments will not find positions. Under these economic and social conditions, the greatest threat to academic freedom comes from within, not from without, the academy. As Professor George J. Stigler, distinguished Service Professor of American Institutions at the University of Chicago, recently pointed out in an article entitled **Thought Control on the Campus** in the August 13, 1973 issue of **The Chronicle of Higher Education**:

> The candidate who flagrantly violates the prevailing faculty views on a sensitive issue will find that academic distinction is insignificant for academic progress.
>
> Academic freedom has looked outward: it has sought to prevent outsiders, be they politicians or trustees, from interfering in the intellectual process. Academic freedom has not looked inward: it has not sought to protect the individual scholar from the pressures of his fellow professors. The much-admired statement on tenure by the American Association of University Professors "... is directed exclusively to insuring that, as soon as possible, the young professor will be insulated from the control of the university administration and the students; it neglects the powerful and continuing sanctions possessed by the professor's colleagues.

As Bloomfield College develops the Teaching-Learning Contract System, we are cognizant of the classical weaknesses inherent in the tenure system. These were summarized by the Keast **Report of the Commission on Academic Tenure** released last year.

1. Increasingly, the tenure method of due process protects only the academic freedom of the tenured. A spokesman for our A.A.U.P. Chapter was quoted recently in the press as saying that a faculty member does not have academic freedom until tenure is bestowed. While in theory the tenured faculty member is free to pursue truth wherever it leads, and hence his statements and judgments should be informed by only the most objective professional standards, in practice the tyranny of colleagueship is still too much with us. It now poses a serious threat to the academic freedom of non-tenured faculty; those who veer from the often unspoken and subtle norms of tenured faculty making personnel judgments are not likely to enter the promised land of tenure. Higher education needs alternatives to the classical tenure system for the creation and protection of genuine academic freedom.

2. The establishment of tenure quotas and the scarcity of tenure slots will produce a new class of academic nomads, destined to drift from one teaching position to another, serving out probationary periods in search of an elusive tenure. Such a situation is certainly not conducive to academic freedom; nor does it create a healthy climate for minority groups and women who, just as they are becoming eligible for tenure, will find quotas and ceilings blocking their progress.

3. Unless the pace of tenure-granting drastically abates in the next decade, many institutions will have over seventy percent of their faculties tenured by 1990. Such a situation would place an inflexible financial burden upon our colleges at a time when "steady state" planning and financial stringency are required.

4. The criteria used to evaluate candidates for tenure have either been elusively subjective or quantitatively myopic by emphasizing research accomplishment rather than effective teaching. The operation of tenure in the last sixty years has simply not pro-

duced an effective evaluation system which considers seriously student, social and institutional needs.

5. The process through which tenure is granted is better at retracing established traditions than venturing into new areas. In the words of the authors of the Keast Report, "The tenure system encourages the perpetuation of established departments, disciplinary specialties, and schools of thought within departments; it tends to exclude new approaches and subject matter in higher education."

6. The probationary period at some institutions is not long enough for many promising faculty to meet all the criteria requisite for tenure and the system forces a precipitous up-or-out decision.

7. The inevitable drift toward tenure quota plans will lead to increased public controversy and litigation over the denial of tenure and non-renewals of contracts. The courts are not generally sensitive to the nuances involved in academic cases and do not have a body of law for making wise, precedent-based decisions.

8. The tenure system has not encouraged the faculty to accept its bilateral contract responsibilities. A sound due process system should incorporate responsible safeguards for both the faculty and the institution and protect the quality of the educational program against sudden or unannounced departures of tenured faculty. While tenure due process assumes that each faculty will establish its own dismissal-for-cause criteria, very few have. The system has not resulted in rigorous self-evaluation but, unfortunately, engages more in mutual excusing of professional incompetence.

9. Tenure due process has not sufficiently advocated the important roles of other constituencies, such as the non-tenured faculty and the students, in the evaluation process. The system has tended to concentrate governance power in the hands of too few senior faculty and augmented the feeling of powerlessness on the part of students and junior faculty.

While the advocates of tenure have pointed frequently to the positive advantages of "institutional stability" and "effective institutional governance" which it promotes, the unfortunate fact is that most of our institutions today which have been operating under the tenure-influenced program suffer from an internal crisis of governance. Faculty governance systems, as was amply demonstrated in the sixties, frequently accelerated and exacerbated the campus crisis environment. Unfortunately, the present state of academic governance in America, which has indeed been heavily influenced by the political effects of the tenure system, is a most precarious pillar on which to support "institutional stability."

B. Alternatives Needed

If tenure protects only the academic freedom of the tenured, then we immediately need a new system to protect the academic freedom of all, including students. If, on the other hand, the system now protects the academic freedom of all, then we need more convincing evidence that those who take controversial and unpopular positions are not now victims of subtle ideological pressures from within the academy.

Where once the tenure system may have attracted outstanding persons into teaching careers, today and tomorrow it will act as a barrier to those considering a career and may force most new faculty into frequent moving cycles.

As with all other social systems, tenure is not sacred and must be evaluated in light of present and future educational, social and economic realities. Ironically, uncritical allegiance to the institution of tenure during the decades ahead may be one of the greatest threats to genuine academic freedom and justice.

APPENDIX L.

Report to the Faculty, May 2, 1973

Bloomfield's past has been a dynamic one of service to changing educational needs. Again the College is in the position of unparalleled opportunity to restructure itself around present and emerging learning needs which will shape higher education for the decades ahead. Colleges with distinguished academic reputations realize that it is no longer possible to coast on past laurels. Bloomfield cannot afford to be small and private unless it is offering a program of unique distinction. How does a college determine a new and distinctive set of missions in a finite period of time?

As with most private colleges, our Board of Trustees bears the responsibility of defining the educational mission of the institution; they are accountable for the fiduciary solvency of the Corporation and it is they who must decide what kind of educational programs are or are not able to be supported. In exercising this responsibility they have delegated authority in a number of directions. From the Academic Affairs Committee of the Board they expect an "up-to-date written description of the academic purpose of the College, including goals and mission" which must be approved by the Board. As the chief academic officer of the College, the Dean of the College is accountable for the broad area of "academic purposes, policies, programs and objectives of the College." "The faculty, under the leadership of the President and the Dean of the College, is responsible for the academic program of the College, for all curriculum and its arrangements, the inauguration and enforcement of academic rules and regulations, for the government and discipline of students and for such other matters as directly affect the academic programs."

In this rather complex network of shared responsibilities, it has been my conviction that we were working in the context of a representative democracy in which as many constituencies of the College as possible should be represented on all deliberative bodies that may affect mission or academic decisions. Yet no body

(deliberative or legislative), as defined by the Bylaws of the Corporation or the Bylaws and Standing Rules of the Faculty, provides for such broad-based representation. It was my hope that by having the broadest possible representation on the Long Range Planning Commission these representatives would keep their constituencies informed and, if necessary, appropriate matters would be referred to various constituent bodies for advice, comment and/or action. With a few notable exceptions this has not occurred, and it may be part of the larger failure of representative democracy in our society. But I am not aware of any more adequate alternative for balanced decision-making when a large number of diverse constituencies are involved. We have followed the guidelines of the Middle States Association in the composition of the Steering Committee, which now, as you know, continues the coordinating responsibilities for long-range planning and evaluation. Members of the faculty, administration, student body, Board, and alumni body compose this Steering Committee. Broad constituency representation was also presupposed in the formal composition of the Mission Task Forces, which have faculty, students, and Board members on every group. Clearly, if each body within the College is to act responsibly, then the representative system must become more functional. Participatory democracy is not the solution for lack of trust in the representative process.

The Faculty's Welfare Committee has asked me to endorse the following statement: "That all proposed changes in the academic program or curriculum, including such matters as departmental structure, courses of study, requirements, special programs, and regulations, will in future be submitted to the faculty sitting in legislative assembly for approval or disapproval in accordance with the by-laws of the board of trustees and of the faculty; and that the term <u>faculty</u> be understood to mean, not the Faculty Council and not individual members of the faculty, but the legislative body as defined in the by-laws;"

I find the Bylaws of the Corporation quite clear. They do not give endorsement to an absolute participatory democracy, nor do they stipulate how the faculty should choose to delegate its responsibilities to various committees. Therefore, it would be totally inappropriate for me to prescribe that all decisions, in those areas in which the Board has given responsibility to the Faculty, must be made by "the faculty sitting in a legislative assembly." That matter is for the Faculty itself to decide. I believe that if we have learned anything from a study of academic governance since World War II, and particularly during the '60s, we have learned that decision-making by large legislative assemblies is often tragically costly in time and pathetically ineffective. Difficult decisions and recommendations usually require a relatively small group in which persons with genuine expertise deliberate, rather than large bodies which frequently are neutralized through the actions of coalition groups operating with self-interest. To be more specific about our present situation, based upon recommendations from my office which will take into account the recommendations of the Dean of the College and the report on the Commission on Alternative Missions and the work of the ad hoc Evaluation Committee, and with cognizance of the Faculty's Substitute Plan, the Board in June will determine broad parameters for the future mission of the College and make formal decisions which will provide the College with the highest probability for success in accomplishing these missions. The curricular task of defining the educational programs to accomplish these missions is the responsibility of the Faculty and most of that work must begin following the June Board meeting. Finally the Board must decide to what extent the educational programs yet to be designed meet the demands of the new mission goals. I am certain that we cannot dress our new missions with the clothes of retitled courses; a much more substantive change must occur, and I know that the Board will be eager to review the outcomes of that

process. As I have emphasized for months, our most pressing problem is mission study and determination. If you still want to serve on one of the Task Forces or form another one, I simply join Professor Sadler in asking you to contact him. Among the exciting alternatives being examined now are: 1) a highly diversified lower division liberal arts college, consisting of several alternative learning tracks organized around small living-learning clusters (to be designed in such a way that various modes of learning become the central focus rather than content-oriented courses; 2) an upper division college with a number of field concentrations and satellite programs for career specialization in areas such as nursing and allied health, public and general administration, the fine and performing arts (including architecture) and environmental sciences; 3) a new expanded program of adult and intensive life-learning which would not simply put the adult learner in an isolated category; and 4) a variety of special institutes centered on regional and national concerns such as the future of land-use in metropolitan areas, the nature of religion and society, the training of volunteers for programs of social reform, the training of adults for effective parenthood, etc. National demographic trends virtually mandate that our emphasis must shift more and more to the adult learner and to the acute learning needs which we all have as we seek to make our lives more effective in urban society.

I also have been asked to give the Faculty assurance regarding Section C of the College's policy on employment and tenure. Paragraphs one, two, four and five deal with procedural matters under normal conditions. Paragraph three makes it clear that normal procedures may have to be altered because of financial exigency. The Board of Trustees, through its Committee on Financial Affairs, has made it clear that because of enrollment declines we are facing a condition of bona fide financial exigency, as discussed in paragraph six of the statement. The Board, at

its March meeting, also determined that the College should have academic flexibility while it reduces in size. Thus it did not automatically preclude growth in some areas while others were being reduced in size. To do otherwise would contradict the Board's ultimate accountability for the total mission and academic effectiveness of the College.

It is my conviction that a new mission change will require a new understanding of professional teaching responsibilities. Each day it becomes more clear as institutions develop new alternatives to traditional tenure, as defined by AAUP Guidelines, that colleges which relate to highly flexible learning models and the needs of the adult learner in an urban setting will have to find new alternatives to the traditional tenure system. Our system is now being reviewed by the Committee on Tenure and Retirement Policy, and we expect a recommendation for a new system adequate to a more open and flexible mission by the October 1973 Board meeting.

Finally, it has often been noted that the liberal arts graduate is one who can best live in a situation of risk and ambiguity. Clearly, our present times are testing our capacity as members of the Faculty to live and work as liberally educated persons. The ambiguity is both created and prolonged by the fact that we are attempting to involve as many constituent groups as possible through a representative process. The alternative to this would be for the President and the Board simply to mandate changes without any degree of participant involvement. Once again, I close this report by challenging the Faculty both to develop a representative democratic system which will allow for the Faculty as a whole to receive and act upon reports that have been carefully and thoughtfully prepared with a high degree of faculty involvement and not to believe that all problems will be resolved for the good simply because the Faculty has acted upon them sitting as a whole. Corporate action may breed a degree of security, but false security is no

security.

One last word -- Enrollment continues to be our Number One problem. To date the average faculty member has preregistered fewer than five students. During the next week I urge you to do more than you have ever done in the past to encourage our present students to complete their preregistration for the fall semester.

Following a thorough review of the performance of our admissions program, its staff and leadership, I have authorized the appointment of Wendell Jung and Jane Lichtman as Co-Directors of Admissions, effective today through June 30th.

We need to take serious cognizance of the fact that there are faculty, students, administrators and alumni and, perhaps most important, observers from the higher education community at large who view this as a great time of promise for Bloomfield College. Many of us can be part of this College's future if we act with courage, determination and responsibility now.

Merle F. Allshouse
President

APPENDIX. M

BLOOMFIELD COLLEGE
BLOOMFIELD, NEW JERSEY 07003
201-748-9000

OFFICE OF THE PRESIDENT

July 16, 1973

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Jordan:

I am deeply distressed and disappointed with your letter of July 13th. I believe the action you have taken is precipitous and certainly does not represent what I thought was the beginning of mutual discussions that could proceed in good faith. Your second sentence contains a number of questionable perceptions which I think should be clarified immediately.

(1) It was not our impression that either you or Ralph Brown were looking for an immediate response, on the afternoon of the 9th, to your ultimatum that the College rescind its action in giving terminal notice to thirteen members of the faculty due to financial exigency. In fact, on a number of occasions Ralph Brown noted that it was not the appropriate time or place to make a final determination and that discussion should proceed. Also, Dr. Donald Scott, Chairman of our Board, made it clear that any action would require Board approval and, of course, that takes more than four days.

(2) I offered to work with the AAUP in negotiating arrangements with each of the thirteen members individually regarding their professional responsibilities for next year. It should be a matter of record, Jordan, that you firmly refused to participate in any way whatsoever with such discussions. Therefore, it seems to me hypocritical for you now to assert that we did not "respond affirmatively" to your recommendation that "these faculty members now be offered the choice of teaching and participating in faculty affairs during the 1973-74 academic year." I think we need to be much more clear on precisely where you stand on this issue before you place the onus of responsibility on us.

(3) We believe that the terminal notice given to these thirteen members of the faculty has been done within, admittedly, a very difficult situation politically in our faculty, according to the best of due process available and in our sincere effort to follow the 1972 Guidelines on planning within financial exigency.

I am deeply disturbed that you have authorized financial assistance from the National Association funds to "support this testing of the legal consequences of the action taken concerning these faculty members." Apparently, you have independently made a judgment regarding the merit of the case before any committee has even set foot on Bloomfield College to undertake an investigation. Furthermore, I heard rumors this last week from some members of the faculty that the Association has committed up to $200,000 in legal assistance.

Jordan, when are we going to stop skirting the real issue, which is simply whether or not the AAUP will be of assistance to small colleges like Bloomfield in planning significant staff reductions?

Let us suppose you win your case at Bloomfield College and in the process Bloomfield College becomes extinct. Has that been, in fact, a victory for academic professionalism? Has the AAUP in such action demonstrated its concern for the extremely complex and difficult problems of staff reduction at small institutions?

Finally, I cannot stress again what appears to me to be an internal contradiction between the espoused principles of the AAUP and its concern for due process and your precipitous action in forcing us into litigation rather than opening opportunities for discussion. Once again, I offer to you an opportunity to work with us in negotiating arrangements with each of the thirteen members of the faculty who, by a peer group, have been recommended for terminal notice in an overall staff reduction. Please be extremely careful not to place the National AAUP in a position of simply politically supporting a segment of our faculty, which happens to be members of the AAUP local chapter, but also which happens to have frustrated any efforts of other members of the faculty to undertake democratic

due process planning during the year. The due process issue at Bloomfield has been extremely complicated this year and has, in fact, divided the faculty. Actually, we are not a replica of the St. John's case but represent a college which is seeking desperately to encourage rational due process among a broad segment of its faculty. You have suggested, upon occasion, that the administration may have moved too quickly in the planning process this year. If that is the case, then by all means please take your own advice to heart and do not move too quickly in litigation with the College. It appears obvious to me that your letter of the 13th, which was written only four days after our conference in New York, does not represent a paradigmatic instance of due process.

Sincerely yours,

Merle F. Allshouse
President

MFA:mbm

cc: Dr. Stanley Nodder, Jr.
Dr. Donald H. Scott
Professor Edward F. Robinson
Professor Walter Kaufman
Professor Ralph S. Brown, Jr.
Officers of the AAUP National Council

APPENDIX N

BLOOMFIELD COLLEGE
BLOOMFIELD, NEW JERSEY 07003
201-748-9000

OFFICE OF THE PRESIDENT

July 24, 1973

Dr. Jordan E. Kurland
Associate General Secretary
American Association of University Professors
One Dupont Circle, Suite 500
Washington, D. C. 20036

Dear Jordan:

This letter is to confirm the concerns which we discussed on the phone today relating to your letter of July 16 notifying the College community and me that you had authorized an ad hoc investigating committee to visit the College on July 28, 29 and 30. In my absence last week, Dean Stanley Hodder conveyed to you on July 18 a "provisional response" which lucidly outlined our concerns about the inappropriateness of an investigation at this time. Subsequent to my return yesterday, I have discussed your letter with Dr. Donald Scott, Chairman of our Board of Trustees, representatives of the Executive Committee of our local AAUP Chapter, and our legal counsel. Given all the legal, due process and logistical problems posed by an investigation this weekend, I once again urge you to reschedule the committee's visit to a time that is mutually satisfactory.

In view of your authorization of National AAUP funds to support litigation on behalf of certain members of the faculty against the College "at the end of this month," as indicated in your letter of July 13, and upon advice from our legal counsel and after consideration of the legal and educational implications of an investigation sponsored by the AAUP this weekend, I regretfully must advise you that the College cannot officially cooperate with an investigation at this time. Surely you understand that the investigating committee will, by the nature of its task as outlined in your letter of July 16, be eliciting the type of information which may become part of an AAUP legal affidavit against the College. I cannot, in good conscience, place members of the Board or the administration in such a compromising position just days before you intend to initiate court action. I am eager to cooperate fully with an investigation conducted at an appropriate time and suggest that we set such a date in mutual consultation with our legal counsel. There are crucial academic and legal matters at stake here, and it is important that they not be confused, as would inevitably be the case by the activities of an investigating committee at this time.

Although the presence of pending legal action on the AAUP's part is the dominant concern relative to an investigation this weekend, there are other issues related to the matter of an investigation which should merit your consideration.

A. Any investigation should be conducted at a time when those persons most involved in and responsible for decisions under question are available for consultation. Key members of the Board are currently on vacation and, due to the short notice you have given, could not be brought to the campus this weekend. The Board Chairman, the Vice Chairman, and the Chairman of the Board's Academic Affairs Committee are all inaccessible. Only one out of five Board members on the Academic Affairs Committee is available. Faculty members who held responsible positions in policy formulation last year are either unavailable or on vacation. These include two, and perhaps three, members of the special Faculty Evaluation Committee, almost one-half of the Faculty Council, the 1972-73 Chairman of the local AAUP Chapter Committee A, the Chairman of the Commission to Explore Alternative Missions, and both of the faculty representatives on the Board's Academic Affairs Committee. Certain administrative officers have information and perspectives which are essential for an objective report. Among those on scheduled vacations during this weekend are the Vice President and Treasurer and the Dean of the College.

B. Assuming that the investigating committee serves as a quasi-jury, and given our democratic assumption that the accused should have some determination in the selection of his jurors, then would it not serve academic due process to allow the College to participate in the selection of the committee members -- perhaps after the model used by some regional accrediting bodies in the selection of review committees?

C. While I hold the three persons you have named to the investigating committee in great respect, none, to my knowledge, has had any experience either as an administrator or faculty member at a college with Bloomfield's academic and financial profile. Could not at least one member of the committee be selected from a peer-type institution?

I shall not repeat here other policy issues raised by Dean Nodder in his letter of July 18 but simply append his letter for your reference. I only hope you will give all of these questions very serious consideration as we come to some mutually agreeable resolution on the nature of an investigating committee and an appropriate time for its visit.

Sincerely yours,

Merle F. Allshouse
President

MFA:B
cc: Bloomfield College Faculty
Board of Trustees
Dean of the College
Members of the Ad Hoc Committee
Chairman of Committee A on Academic Freedom and Tenure
Northeastern Regional Office, AAUP
Officers of the AAUP Council

ADDENDUM

The following addendum by Dr. Stanley Nodder, Jr., Dean of the College, was sent to me in a memo. It was intended to respond to miscellaneous points, particularly those which refer to the role of the Dean in planning. It is being included as it was received.

Pursuant to our telephone conversation earlier today, I am providing additional material which you may want to include in your detailed response to the report of the ad hoc investigating committee of the AAUP. I particularly urge you to include those which refer to the role of the Dean in planning.

On page 2, paragraph 3, it asserts that "during the 1972-73 academic year these new appointees (faculty not associated with the College prior to 1971) held vital posts on important faculty committees." This is blatantly false. Of nine members on the Faculty Council seven were appointed to the faculty prior to 1971, eight of eight prior to 1971 on the Committee on Tenure and Faculty Advancement, five of five on the Faculty Welfare Committee, five of six on the Academic Standards Committee, five of eight on the Committee on Curriculum and Instruction, three of four on the Committee on Cooperative Education, and two of five on the Committee on Admissions and Financial Aid. Of these seven standing faculty committees five were chaired by persons appointed prior to 1971.

On page 4, in the second paragraph an important event is omitted. After the first two meetings of the Long Range Planning Commission, the Bloomfield Chapter of the AAUP invited the Dean of the College to report to them at their December meeting on the work of the Long Range Planning Commission and the matters it had taken under discussion. The Long Range Planning Commission gave their consent for the Dean to accept the invitation and to discuss matters in an open way. Approximately 40 faculty members attended. The Dean gave a report on long range planning in higher education, and specifically at Bloomfield, and discussed planning models and guidelines which were being considered, possible reductions in faculty size, possible regrouping of faculty, and a suggested moratorium on tenure. After his presentation, the Dean answered questions and noted suggestions offered. At the next meeting of the Long Range Planning Commission, the President of the AAUP commended the Dean for his open and detailed presentation and expressed appreciation that the local chapter of the AAUP had had the opportunity to be so freely informed and to have their questions answered.

On page 5, paragraph 2, reference is made to a document entitled, "Plan for the Systematic Reduction of Faculty Size Becuase of Financial Exigency." It adds parenthetically, "This document, it should be noted, was a slightly revised version of a seventeen-page memorandum presented to the Commission by Dean Nodder on February 12. It should be made clear that the February 12 memorandum was a working draft which represented a fourth revision which had been forged out of over two months of consultation with all department heads, other members of the faculty, and outside consultants. The Commission had asked the Dean to assume this responsibility and the document had incorporated numerous changes growing out of deliberations at earlier Commission

meetings. Sources from which input had been made were clearly identified. When there had been disagreement among sources this was indicated. When the Dean wished to express his own views he indicated this in the text. The February 12 memo was used as a working document and changes made by the Commission were made before the document was passed on by the Commission to the Faculty Council on February 14.

On page 7, paragraph 2 reference is made to the March 22 report of the Faculty Council and a sketchy selective interpretation of contents is presented. Among the many important things which were omitted was reference to the change which was given by the Faculty Council to the Evaluation Committee. It included a specific statement from the AAUP-AAC Keast Report on Faculty Tenure, Chapter 2, under the section of "Financial Exigency." I quote,

> "Although there is general agreement that in staff reductions the interests of the tenured faculty should normally predominate over the interests of those who are on term appointments, sometimes the quality of the educational program may be seriously compromised if that principle is automatically applied. Circumstances can be envisaged in which it may be necessary to terminate a tenure appointment rather than a nontenured one. Problems of this sort can be handled equitably and in the best interests of the institution as a whole only if faculty play a key role in decisions about the institution's response to fiscal crisis, and only in an atmosphere in which there is no suspicion that the management of budget problems is being used to mask an attack upon the principle of tenure.
>
> "The handling of staff reduction may also raise difficulties in connection with the institution's efforts to increase representation on its faculty of women and members of minority groups. As the AAC statement says, 'Strict adherence to preferential retention of tenured faculty members or strict recognition of seniority, for example, may result in disparate rates of reduction for women or members of ethnic or racial minorities and thus jeopardize recent progress toward fairer representation of these groups in the academic community. Staff-reduction decisions may also riase problems in relation to laws and regulations governing discrimination'."

On page 9, in paragraph 2, there should be reference to repeated efforts on the part of the Dean of the College from mid-April through mid-May to have the faculty produce a third planning document which would take a position midway between the two which had already been produced. Copies of memos to Professors Restaino (April 30, 1973), Iannelli (April 30, 1973), and Evans (May 4, 1973) are clear evidence of his efforts to moderate the conflict. The memo to Professor Iannelli followed three or four appointments we had had in the preceding two weeks. At one of those sessions, Professor Iannelli revealed to the Dean that he had been discouraged from his efforts to find a solution to our dilemma by local AAUP

leaders who had told him they were planning litigation and they did not want a solution to the problem to prevent them from following their plan. Professor Iannelli told the same thing to Professor Sealy in a separate conversation. This conversation was mentioned in discussion at the April 25 meeting of the Board of Trustees and was vehemently denied as a fabrication of the administration by Mr. Tomlinson, Chairman of the Faculty Welfare Committee. On May 11, civil action was filed in Superior Court of New Jersey with Mr. Tomlinson and leaders of the AAUP among the 13 faculty members who filed the suit.

On page 16, in the second paragraph, it is claimed that "Neither for the tenured nor for the untenured was there afforded the due process to which they were entitled under the 1940 Statement of Principles and the 1958 Statement on Procedural Standards." Apparently, Jordan Kurland doesn't accept these standards either since he included a section on "Due Process" in his paper entitled, Reducing Faculty Positions: Considerations of Sound Academic Practice, which was delivered to the Association of American Colleges on January 11, 1972. I quote the section in full:

> "I should like to point to the critical need for due process in the area of concern by quoting a paragraph from the report of the AAUP's Committee A on Academic Freedom and Tenure for the year 1934, which was "a very bad year" for our profession:
>
> > It is not the function of the American Association of University Professors to prevent the elimination of the unfit, the lazy, and the inefficient from the profession. Moreover, the Association can hardly deny to administrators in times of genuine financial distress a reasonable discretionary power, in choosing among their staffs those most fitted to remain. Most administrations have made honest efforts to preserve the integrity of their staffs, and to distribute the effects of depression budgets as fairly and widely as possible, and there have been few cases coming to the attention of the Committee in 1934 in which economic reasons were falsely alleged to cloak other, less defensible, causes for action. In "boom" times, many an instructor of only mediocre promise and ability was able to retain his position, and even to obtain occasional salary increases. When changes become inevitable, under present budget conditions, administrators naturally select the least promising, the least efficient, and the least enterprising as the first to go. Committee A is not in the ambulance chasing business to pick up those who have fallen by the wayside because of their own lack of ability, or laziness, or to force their reinstatement. But the Committee does insist that even the unfit and the least competent must have due notice of the termination of their contracts, and fair

> treatment. The observance of proper procedure in the relations between administrators and teachers remains one of the most important safeguards of our professorial liberties. (AAUP Bulletin, 21: 148-53, 1935

> "The individual who life's work stands to be adversely affected, and especially as a result of factors beyond his direct control, should have the right to be heard, by his departmental colleagues and by the body charged with recommending specific reductions, before any formal notification is issued to him. Further, an institution engaged in the necessity of eliminating faculty positions as part of a general retrenchment should establish a prominent and well-advertised review body (an ad hoc body created for this particular purpose, if at all possible, rather than an existing grievance committee) to receive appeals after notifications have been tendered. Better to bend over backwards when reducing positions in allowing for a review of each case to the fullest than to leave an institution open to the charge of hustling someone out because he no longer seems needed. The morale of the entire institution is strained when retrenchment must be undertaken; this strain will be aggravated unnecessarily if it is not generally felt that each adverse decision was carefully and patiently made.
>
> "Finally, I should speak to the matter of adequate notice. For tenured (at least 12 months) and nontenured (at least twelve months, for those beyond the second year) alike, this should be afforded high financial priority. The need for adequate standards for notice was generally accepted by the academic community in better times, when new positions could be more easily procured. To stint on due notice at a time when it is sorely needed by the recipient not only inflicts injury on him; it serves to dampen the spirit of those who remain, despite any argument that less money spent on those who are leaving means more for those who are staying. An immediate savings in dollars through inadequacy of notice is not likely to be a savings in the long run, as short cuts in this area tend to be remembered long after the money saved is spent."

I find no way in which we failed to follow due process as detailed by Jordan in his paper. If the AAUP has a single position on due process, we have followed it. It it has several positions, we may have followed all positions, but who can tell what standards you will apply in a given case. The action on the thirteen was taken because of financial exigency and Jordan's paper refers to due process in that context. You are using a double standard.

On page 17, paragraph two, you assert that "At the Commission meeting of December 18, Dean Nodder indicated that the financial position of the College would necessitate reducing the faculty to 65 positions." There were discussions about enrollment projections and the effect this could have on the size of the faculty if a 17 to 1 student-faculty ratio were to be maintained, but no consensus was sought or reached and no one mandated any plan. Enrollment projections were being updated regularly and each time a new tentative projection was made the 17 to 1 formula was used to calculate possible size of reduction in faculty. In the end, a 16 to 1 ratio was maintained by keeping two extra faculty positions by cutting departmental budgets. In every case top priority was given to retaining as many faculty as possible, particularly when further cutting would have forced the dropping of existing majors.

On page 18, paragraph one, there is reference to the Ph. D. requirements for faculty. Nowhere do you quote an important paragraph about the application of this so-called "requirement." It reads:

> "Throughout the definition of positions there is regular reference to expected educational background when this is relevant. This would be regularly applied in making new appointments for these positions. In the evaluation process for existing faculty members, it is recognized that there are some persons who do not hold the formal degree. There is need for some direction for those who will be evaluating persons against these definitions which are being made. For non-tenured people there must be at least reasonable progress toward the degree and a reasonable expectation that the degree will be completed by the time a tenure decision must be made. For those on tenure there must be evidence that professional competence, experience and performance are equal to the qualifications which can be expected of one who holds the degree. Furthermore, those with tenure who do not hold the degree are strongly urged to pursue studies leading to the degree and apply to use the study leave program to assist them. At the very least, tenured people should be expected to give evidence of being up-to-date in their field, creative in exploring new teaching methods, and committed to constant professional development."

On page 24, the report of the ad hoc committee quotes extensively from Section C. (on Tenure) of the 1972-73 Faculty Handbook but omits point 5. That reads, "Teachers on continuous appointment who are dismissed for reasons not involving moral turpiture or willful incompetence will receive their salaries for one year from the date of notification of dismissal, whether or not they are continued in their duties at the institution." (Underlining mine.) I assume the last paragraph applies to persons terminated for financial exigency since that is neither 'moral turpitude or willful incompetence." The year given to the thirteen to enhance their professional qualifications is a humane application of this provision contained in the Faculty Handbook.

On page 24, you quote from the Faculty Handbook concerning the review function of the Faculty Welfare Committee in the case of persons dismissed. Each of the thirteen terminated was informed in his letter of June 29 that he was entitled to appeal to the Faculty Welfare Committee if he were aggrieved. If they did not take advantage of this right about which the administration had informed them, the administration cannot be blamed.

On page 24, last paragraph, you quote from the Standing Rules of the Faculty on the duties of the Committee on Tenure and Faculty Advancement. You omit reference to another important duty, I quote,

> "The Committee shall use the Bloomfield College 'Policies on Employment and Tenure' as its standard in the evaluation process. It shall review this document annually and shall make recommendations for changes therein to the Faculty for approval and recommendation to the Board of Trustees."

During my years at Bloomfield this Committee has never discharged this duty which had been assigned to it by the Faculty. This past fall the Dean specifically asked them to discharge this duty and the Committee refused to do it.

On page 25, paragraph one, you quote from the By-Laws of Bloomfield College and, although you do not explicitly make the point, you infer that the institution is not free to change its tenure policy and its application to individual faculty members. This has not been demonstrated. In fact, it seems to contradict the spirit of the last point on which I commented. There you find a mandate for the annual review of the document entitled, Bloomfield College Policies on Employment and Tenure, in which what there is of tenure policy, rather procedure, is contained. It calls for the formulation of recommended changes in the document. The Bloomfield faculty itself has given written notice that it recognizes the Board's right to change its employment policies.

On page 26, paragraph 2, the report refers to two faculty actions at two separate meetings (June 6 and June 8) on the tenure system. This is a careless and totally unnecessary error. There was only one meeting and one action by the faculty.

On page 33, paragraph one, you picture the faculty member under a contract system going, "hat in hand to the Dean and the President every few years to find out if they can keep their positions a little longer." It is unlikely that the well defined review process, which has been formulated and the rigorous peer judgment which is a part of it, would recommend a contract in return for the submission of a hat. If the faculty member were to submit a professional development prospectus his chances of reappointment would increase immeasurably.

On page 34, paragraph two, you refer to Dean Nodder's comment on the seeming politicizing of the Bloomfield AAUP. There are numerous illustrations to support his concern; the most obvious being what happened at the April 11 Faculty Meeting. The Dean's memo shows no lack of "understanding of the constitutional right of association," but rather a concern that the right of association be used in a scrupulous way.

On page 37, paragraph two, the investigating committee ridicules reference to salary decrement as well as increment. It should be noted that the reference to decrement was suggested by one of the faculty members on the Commission and was adopted unanimously by the Commission. It was offered by a specialist in Economics who suggested we allow for the possibility that national and/or local economic trends could force decrements on the College in a given year. It was a serious attempt by a faculty member to be comprehensive in formulating policies. The reductio ad absurdum to which the committee leaps could well be turned around. Perhaps the time has come for faculty members to bring their disciplinary expertise to comprehensive policy making instead of having faculty members continue to expect munificent increments regardless of professional performance or economic realities.

TO: Professor Iannelli

FROM: Stanley Nodder, Jr., Dean of the College

DATE: April 30, 1973

Thank you for your memo of April 26th in which you request that the faculty be convened into a Committee of the Whole for a half-hour at the Faculty Meeting on May 2. Pursuant to our discussion this morning, and in accordance with your written request that I not release your request or put the item on the agenda until notified, I will hold the memo until you tell me to send out an addendum to the agenda.

I am pleased with your efforts to offer recommendations which would provide a third set of alternatives in our planning for the reduction of faculty size. Whether I tend personally to support or oppose the six recommendations which you discussed with me is immaterial at this time. The important thing is that a faculty member who is dissatisfied with the two plans for producing recommendations which are now in operation is taking some initiative in offering another alternative. I have been very disappointed in the failure of the faculty to produce a planning model for the future of Bloomfield if it is dissatisfied with what has been done. I hear many criticisms of the two alternatives we are now exploring, and I recognize the right of faculty members to express disapproval of them, but until a better plan is produced, we must continue with what we have.

It is my understanding, that your request to delay putting your recommendations before the faculty is motivated by discussions you have had with representatives of the Faculty Welfare Committee who will be meeting with the President this afternoon. I shall appreciate hearing from you, either to include your item on an addendum to the agenda or to disregard your request, as soon as you have come to a decision concerning your intent.

TO: Professor Thomas Evans

FROM: Stanley Nodder, Jr., Dean of the College

DATE: May 4, 1973

Thank you for stopping by the office last Friday and again today to express your concerns about current issues which are dividing the faculty and the faculty and administration. I am also deeply concerned about the widening of divisions within our community and the harmful effect it is having upon the College.

I have said many times, in many ways, to a wide variety of people, that I have been attempting to follow a moderate path toward change. There have been many pressures from those who seek immediate and total change on the ground that we have been moving too slowly. There have been pressures from those who resist change on the ground that we have been moving too fast. It is my opinion, that we followed a middle course, and I have repeatedly encouraged recognized faculty leaders to follow a moderate course also. I have repeatedly warned against polarization. It is my opinion, that these warnings have gone unheeded.

If faculty members are unhappy over the current polarization and confusion, I urge them to offer a more viable alternative. I would be willing to meet with any individual faculty member, or any group, or the entire faculty, to discuss alternatives to current planning. I would be willing to discuss step by step how we got where we are. I have offered in memos, to the entire faculty, to meet with faculty to share concerns and ideas about the future of the College. If you or any other faculty member can get across the message that I have been seeking to follow a moderate course, but I believe that faculty factionalism has escalated into a polarization which I had hoped to avoid, I would be grateful to you.

I hope it is not too late to achieve some further understanding and to reverse the trend toward widening polarization. I have been encouraging faculty members to produce alternative planning systems if they are unhappy with those in operation. However, until we receive viable planning alternatives which are better than those we now have, we must continue with what we have.

It has been my hope that much of the negativism within the faculty would be turned to constructive ends. Anything you can do to assist me in mobilizing faculty talent toward planning for a meaningful future for the College would be greatly appreciated. Thanks, Tom, for sharing your concerns with me.

To: Mr. Alfred R. Restaino

From: Stanley Nodder, Jr., Dean of the College

Date: April 30, 1973

Thank you for coming in this morning to discuss your concerns about the Physical Education Program of the College, in response to the renewal of my earlier invitation to all faculty members. As we both are aware, at a time when we must make hard decisions, based on clearly stated priorities, there is need for the kind of discussion which we had. We can't do everything which we have been doing and we must do what is best for the College and our students. The more information which I have, the easier it will be for me to make hard decisions concerning our program.

As I encouraged you during our conversation, I would be grateful to you if you would put some of your suggestions into writing, and if you would play a more active role in using regular faculty governance systems to provide alternatives to our current planning models. It is unfortunate that we seem to have been pushed to an impasse by growing polarization. I hope that we will be able to find solutions to our problems so that we can move past this period of crisis into a more hopeful future. A constructive input from members of the faculty at this time would be most helpful to that end. I would be grateful for anything which you can do to assist us.

SN:mkp